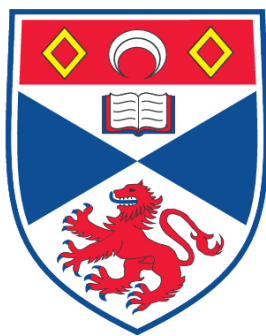


**PRISONERS OF WAR IN THE HUNDRED YEARS WAR  
THE GOLDEN AGE OF PRIVATE RANSOMS**

**Rémy Ambühl**

**A Thesis Submitted for the Degree of PhD  
at the  
University of St. Andrews**



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University of St-Andrews  
School of History  
PhD thesis in Medieval History

**Prisoners of War in the Hundred Years War**  
*The Golden Age of Private Ransoms*

**Rémy Ambühl**

Supervised by  
Prof. Chris Given-Wilson  
March 2009

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I was admitted as a research student in September 2005 and as a candidate for the degree of Ph.D in June 2006; the higher study for which this is a record was carried out in the University of St Andrews between 2005 and 2009.

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## *Abstract*

If the issue of prisoners of war has given rise to numerous studies in recent years, nevertheless, this topic is far from exhausted. Built on a large corpus of archival sources, this study fuels the debate on ransoms and prisoners with new material. Its originality lies in its broad chronological framework, i.e. the duration of the Hundred Years War, as well as its perspective – that of lower ranking as well as higher-ranking prisoners on both side of the Channel. What does it mean for those men to live in the once coined ‘golden age of private ransoms’?

My investigations hinge around three different themes: the status of prisoners of war, the ransoming process and the networks of assistance. I argue that the widespread practice of ransoming becomes increasingly systematic in the late Middle Ages. More importantly, I show how this evolution comes ‘from below’; from the individual masters and prisoners who faced the multiple obstacles raised by the lack of official structure. Indeed, the ransoming of prisoners remained the preserve of private individuals throughout the war and no sovereign could afford that this became otherwise. It is specifically the non-interventionism of the crown and the large freedom of action of individuals which shaped the ransom system.

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Even if I would probably find better words in my own language to express my gratitude to all the people who contributed to this work, I will not yield to the temptation to indulge myself in writing in French. This thesis will be in English to the very last word.

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repositories and libraries that I visited (i.e. Main Library of Saint Andrews, National Library of Scotland, Archives Nationales de France, Bibliothèque Nationale de France, The National Archives and the British Library). I want to address special thanks to Monique Bonnet of the *Centre d'étude d'histoire juridique (C.E.H.J.)*, based at Hôtel Soubise in Paris, who provided useful guidance for my research in the registers of the Parlement of Paris.

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## *Note on currency*

For the sake of clarity, I have tried to convert all the different currencies into pounds sterling. As every medievalist knows, this is a particularly difficult task, and the results will be at best roughly accurate. For this reason, it is necessary to also mention the amount in its original currency. I have based the following conversions on Peter Spufford's *Handbook of medieval exchange* and my own findings.<sup>1</sup> Unless otherwise specified in the text or the footnotes, the conversions are based on the following ratios.

	<b>Pound sterling (£)</b>
<b>Livre tournois (l.t.)</b>	£1 = 6 l.t (ratio : 0.167)
<b>Livre parisis (l.p.)</b>	£5 = 24 l.p. (ratio : 0.21)
<b>Silver mark</b>	£4 = 3 marks (ratio : 1.33) <sup>2</sup>
<b>Mark (sterling)</b>	£2 = 3 marks (ratio : 0,66)
<b>(Golden) crown (g.c.)</b>	£2 = 9 crowns (ratio : 0.22)
<b>Franc</b>	£1 = 6 francs (ratio : 0.167)
<b>Florin (Rhine)</b>	£1 = 6 florins (ratio : 0,167)

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<sup>1</sup> P. Spufford, *Handbook of medieval exchange*, London, 1986.

<sup>2</sup> Contamine converts the silver marks into crowns on the basis of 1 silver mark for 6 golden crowns. P. Contamine, 'Rançons et butins dans la Normandie anglaise, 1424-1444', in *La guerre et la paix au Moyen Age*, Actes du 101<sup>e</sup> congrès des sociétés savantes, Paris, 1978, 241-270 (reprint in his *La France aux XIV<sup>e</sup> et XV<sup>e</sup> siècles. Hommes, mentalités, guerre et paix*, London, 1981), p. 260, n. 63. In 1434, for instance, the controller of Avranches noted that 6 silver marks were worth 36 golden crowns and the crown was worth 28s 6d.t. BN, ms fr 25772/925 (1434, October-December).



# Abbreviations

<i>Actes</i>	<i>Actes de la chancellerie d'Henry VI concernant la Normandie sous la domination anglaise (1422-1435)</i> , ed. P. Le Cacheux, 2 vol., Rouen et Paris, 1907-8.
Add Ch	Additional Charters
ADN	Archives départementales du Nord
AN	Archives Nationales de France
<i>B.E.C.</i>	<i>Bibliothèque de l'École des Chartes</i>
BN	Bibliothèque nationale de France
<i>C.C.R.</i>	Calendar of Close Rolls
<i>C.P.R.</i>	Calendar of Patent Rolls
Coll.	Collection
<i>E.H.R.</i>	<i>English Historical Review</i>
fol.	folio
<i>H.R.</i>	<i>Historical Research</i> (and <i>Bulletin of Historical Research</i> )
l.p.	Livres parisis
l.t.	Livres tournois
Ms Fr	Manuscripts Français
PO	Pièces Originales
<i>P.O.P.C.</i>	<i>Proceedings and Ordinances of the Privy Council of England</i> , ed. N.H. Nicolas, 7 vol., London, 1834-1837.
<i>PROME</i>	<i>The Parliament Rolls of Medieval England</i>
<i>ro</i>	recto
<i>rv</i>	recto-verso
<i>R.D.K.</i> 44, 48	'Calendar of French Rolls' in <i>Reports of the Deputy Keeper. Appendix to 44th Report of the Deputy Keeper of the Public Records</i> , London, 1883, pp. 543-638; <i>Appendix to 48th Report of the Deputy Keeper of the Public Records</i> , London, 1887, pp. 217-450.
<i>R.D.P.</i> iv, v	<i>Recueil des documents concernant le Poitou contenus dans les registres de la chancellerie de France</i> , iv. 1369-1376, v. 1376-1390, P. Guérin (ed.), Poitiers, 1888-91.
TNA	The National Archives
<i>T.H.R.S.</i>	<i>Transactions of the Royal Historical Society</i>
vo	verso
£	Pound sterling

# *Introduction*

The issue of prisoners of war in the Hundred Years War stretches far beyond a strict military framework. The most obvious reason for this is probably that, excluding the brief attempt of Charles V, there was no permanent army until the very end of the conflict when Charles VII reformed the organisation of the French armies.<sup>1</sup> The whole of society was thus involved in the war effort for most of the century long conflict. Unlike earlier times, non-nobles enrolled in the armies in great numbers at this period. This extensive militarization of society was not devoid of consequences for the issue of prisoners of war. The line separating the combatant from the non-combatant, or the prisoner of war from the criminal, was sometimes blurred, especially at the lower levels of the hierarchy. In theory, however, contemporaries acknowledged the particularity of the status of prisoner of war; it protected the life of the captive and the payment of a ransom was the expected way to regain freedom. The private nature of this business is another main reason why the issue of prisoners of war is not strictly a military matter. Indeed, as there was no official structure which dealt with ransoming at that time, it was down to the prisoner to find his way out of prison and most of the time this required the assistance of all his contacts - first and foremost, his friends and relatives.

The prospect of making profits out of booty and ransoms was a driving force for many men to wage war. Several case studies highlighted how, on one hand, some soldiers built their fortune on ransoms and other gains of war and how, on the other hand, others lost all they had as a result of their capture.<sup>2</sup> Between these extremes, there was a middle course and there is a feeling when collecting the countless mentions of ransoms in the sources that any captor would inevitably be captured one day or another. In 1446, Jean Rousselet, a sergeant at arms in Normandy, claimed to have been taken prisoner no less than fourteen times during his long

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<sup>1</sup> See P. Contamine, *Guerre, État et Société à la fin Moyen Age. Études sur les armées des rois de France, 1337-1494*, Paris, 1972.

<sup>2</sup> John Fastolf is known to have made his fortune from profits of war. K.B. McFarlane, 'The Investment of Sir John Fastolf's Profits of War', *T.R.H.S.*, 5th series, 7 (1957), 91-116; reprint in his *England in the Fifteenth Century*, London, 1981, 175-99. The ransoms of Guillaume de Châteauvillain and Jean de Rodemack caused their ruin. A. Bossuat, 'Les prisonniers de guerre au XVe siècle: la rançon de Guillaume de Châteauvillain', *Annales de Bourgogne*, 23 (1951), 7-35, at p. 7 ; Idem, 'Les prisonniers de guerre au XVe siècle: la rançon de Jean, seigneur de Rodemack', *Annales de l'Est*, 5th series, 2 (1951), 145-162.

service to the English crown.<sup>3</sup> Whereas it is possible that Rousselet may have exaggerated the extent of his misfortune, it is interesting that Henry VI's grant shows that his claim was taken seriously. If soldiers from every social background could be captured and ransomed several times and still find a way to overcome it, it is because the ransom system allowed it. This system is a major component of this study, although I have chosen to take a more global approach to the 'ransoming culture' in what Philippe Contamine once called 'the golden age of private ransoms'.<sup>4</sup>

For a better understanding of this ransoming culture in the late Middle Ages, there is probably a need to say a few words about its roots. These are much debated among high medieval historians.<sup>5</sup> The first hypothesis which we owe to Matthew Strickland and John Gillingham puts the development of the ransoming practice in parallel with the birth and diffusion of the chivalric ethos.<sup>6</sup> According to Strickland, it first appeared and matured in Northern France in the late tenth and eleventh century, as a result of the changing nature of warfare and enemies.<sup>7</sup> The French model would ultimately be imported into England in 1066 with the Norman invasion. Yvonne Friedman, after Draper, suggests a very different model of emergence and diffusion of the practice of ransoming.<sup>8</sup> In this perspective, the Franks took this practice from the Muslims during the crusades. For Friedman, the turning point was probably the battle of Hattin in 1187, when almost the entire fighting force of the Latin kingdom fell into captivity.<sup>9</sup> It changed the mentality toward captivity and the contact with the Muslims initiated the practice of ransoming. It may even have been the case, as Draper thinks, that the ransom practice entered through the Eastern Empire of Byzantium which was

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<sup>3</sup> TNA, E 404/52/232 (1446, August 21).

<sup>4</sup> P. Contamine, 'The Growth of State Control', *Practices of War, 1300-1800: Ransom and Booty*, in P. Contamine (ed.), *War and Competition between States*, Oxford, 2000, 164-93, at p. 166.

<sup>5</sup> It must be noted first that historians tend to ignore the well-attested development of a tradition of ransoming within the early Christian community. C. Oyseck, 'The ransom of captives: evolution of a tradition', *The Harvard Theological Review*, 74 (1981), 365-86. See also W. Klingshirn, 'Charity and Power: Cesarius of Arles and the Ransoming of Captives in Sub-Roman Gaul', *The Journal of Roman Studies*, 75 (1985), 183-203.

<sup>6</sup> M. Strickland, 'Slaughter, Slavery or Ransom: the Impact of the Conquest on Conduct in Warfare', in C. Hicks (ed.), *England in the Eleventh Century*, Stamford 1992, 41-60; Idem, 'Killing or Clemency? Ransom, Chivalry and Changing Attitudes to Defeated Opponents in Britain and Northern France, 7-12<sup>th</sup> centuries', in H.-H. Kortum (ed.), *Krieg im Mittelalter*, Berlin, 2001, 93-121; J. Gillingham, '1066 and the introduction of chivalry into England', in G. Garnett & J. Hudson (ed.), *Law and Government in Medieval England and Normandy. Essays in honour of Sir James Holt*, Cambridge, 1994, 21-55.

<sup>7</sup> Strickland, 'Killing or Clemency?', pp. 106-21.

<sup>8</sup> Y. Friedman, *Encounter between Enemies. Captivity and Ransom in the Latin Kingdom of Jerusalem*, Leiden, 2002; G.I.A.D. Draper, 'The Law of Ransom during the Hundred Years War', *The Military Law and Law of War Review*, 5 (1968), 263-77.

<sup>9</sup> Friedman, *Encounter*, p. 7.

regularly at war with the Muslims from the seventh century onwards.<sup>10</sup> Strong evidence of ransoming practices between Byzantine and Arab empires, between 750 and 813, substantiates this assumption.<sup>11</sup>

Dunbabin's theory is not in contradiction with any of these hypotheses – whether the origins of ransoming were French or Muslim.<sup>12</sup> Rather, it adds an extra layer to them. According to her, 'in the course of the thirteenth century, the status of prisoner of war, which was tacitly acknowledged by the code of chivalry [through ransoming] had also found its theoretical foundation with the emergence of the notion of public war'.<sup>13</sup> Since war was waged by sovereign authorities, the combatant was no longer considered as a criminal, but was from then on a prisoner of war. In parallel with this rather theoretical evolution 'from above', there is also every reason to believe that the practice of ransoming considerably developed in the twelfth and thirteenth century through the practice of tournaments. As Maurice Keen put it, 'the experience of the relations of captor and prisoner on the tournament field clearly did have something to teach both parties about the sort of civilised conventions... that they should observe towards each other in real hostilities.'<sup>14</sup>

## I. Historiography

At the outset of the Hundred Years War, the practice of ransoming was certainly deep-rooted in society, as so many studies reveal. I will now shortly survey the main works which have been devoted to the issues of prisoners of war and ransoms. Only two articles have considered them in a broad chronological framework. We owe the first one to Henry J. Webb (1941) whose short essay based on the testimony of some chivalric treatises and chronicles merely highlight the gap between theory and practice in the treatment of prisoners of war.<sup>15</sup> Françoise Bériac Lainé's recent (2002) conference paper on the issue of prisoners of war in

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<sup>10</sup> Ibid., p. 265.

<sup>11</sup> E.W. Brooks, 'Byzantines and Arabs in the Time of the Early Abbasids', *E.H.R.*, 60 (1900), 728-47.

<sup>12</sup> J. Dunbabin, *Captivity and Imprisonment in Medieval Europe, 100-1300*, Houndmills, 2002. It is true that late medieval sources explicitly referred to 'prisoner of war' as a status. See below, p. 48.

<sup>13</sup> Ibid., p. 86.

<sup>14</sup> M. Keen, *Chivalry*, New Haven and London, 1984, pp. 100-1.

<sup>15</sup> H. J. Webb, 'Prisoners of war in the Middle Ages', *Military affairs*, 12 (1948), 46-9.

late medieval occidental Europe (France, Spain and England) is far more interesting.<sup>16</sup> Making use of a wide range of sources, she briefly explores the fate of these captives from the moment of their capture until their ultimate release. It must be noted however that her global approach to the topic – no issues are left aside by the author – does not go into details and remains fairly descriptive. Two further case studies should also appear in this first group of wide ranging works which explore the ransom process as a whole. In their monograph on the prisoners of the battle of Poitiers, Françoise Bériac-Lainé and Chris Given-Wilson paid as much attention to the fate of the captives as to the interests of the captors.<sup>17</sup> Their comprehensive approach to this topic gives a deep and original insight into the mechanics of the ransom system (capture, captivity and ‘ransom market’). It also explores the political (crown’s acquisitions) and socio-economic (impact on the prisoners and the captors) issues underlying the whole question of prisoners of war. On a smaller scale, I published an article (2007) on the fate of the prisoners of Agincourt, where I explore the ransom process from the capture of the prisoner to his release on parole in order to raise the money for his ransom.<sup>18</sup> In this article, the surviving source material sheds light on the fate of lower-ranking prisoners, who are so very often forgotten.

In his two case studies on Châteauvillain and Rodemack (1951), André Bossuat brings to light the complex legal framework of the ransom business, as described in these legal suits. This avenue of research led to two important studies in the next decade. Making extensive use of the registers of the Parlement of Paris, Pierre-Clément Timbal (1962) and Maurice Keen (1965) examined the legal status of the prisoner of war and the legal channels of the ransom business.<sup>19</sup> Both historians build up the idea of an international code of law ruling the practice of ransoming. Studying the customs of war from a more practical angle, Andy King (2002) argued in a recent article that English and Scottish soldiers in the Scottish marches showed particular regard for each other, indirectly implying that it was not necessarily the case elsewhere.<sup>20</sup>

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<sup>16</sup> F. Bériac-Lainé, ‘Les prisonniers en Europe occidentale (XIV<sup>e</sup> et XV<sup>e</sup> siècles). Massacre, échange ou rançon, in S. Caucanas, R. Cazals & P. Payen (ed.), *Les prisonniers de guerre dans l’histoire. Contacts entre peuples et cultures*, Toulouse, 2003, 107-23.

<sup>17</sup> F. Bériac-Lainé & C. Given-Wilson, *Les prisonniers de la bataille de Poitiers*, Paris, 2002.

<sup>18</sup> R. Ambühl, ‘Le sort des prisonniers d’Azincourt (1415)’, *Revue du Nord*, 89 (2007), 755-88.

<sup>19</sup> P.-C. Timbal & al., *La Guerre de Cent Ans vue à travers les registres du Parlement, 1337-1369*, Paris, 1961, esp. pp. 307-74 ; M. H. Keen, *The laws of war in the late Middle Ages*, London, 1965 (reprint in 1993), esp. pp. 156-85.

<sup>20</sup> A. King, “‘According to the custom used in French and Scottish wars’: Prisoners and casualties on the Scottish Marches in the fourteenth century’, *Journal of Medieval History*, 28 (2002), 263-90.

The lure of profits, the greed of soldiers and the division of the spoils are probably the most well-known aspects of the ransom system. Christopher Allmand (1965) and Anthony Tuck (1983) both highlighted the role of ransoms as a powerful enticement to wage war on France in two survey articles.<sup>21</sup> We owe to Denis Hay (1954) the first in-depth study on soldiery's greed and the rules governing the division of the spoils in the English armies.<sup>22</sup> The author devotes particular attention to the system of thirds, according to which a third of the soldier's gains was devolved to his captain, who, in his turn, handed over a third of his gain to the king. Philippe Contamine showed this system at work in the Norman garrisons in the first half of the fifteenth century.<sup>23</sup> More recently, Hay's observations about the origins of the system of thirds have been re-considered by John Bean (1989) and Andrew Ayton (1994).<sup>24</sup> The latter showed that the adoption of the system of thirds was a consequence of a withdrawal of the *restauro equum* (a system of compensation for the loss of warhorses in wartime), which took place in the period after the Peace of Brétigny. I elsewhere highlighted the rather erratic implementation of the system of thirds in the aftermath of Agincourt, when it was supposed to be deep-rooted in custom (2006, 2007).<sup>25</sup> If Keen (1965) also devoted some attention to the system of thirds in his *Laws of war*, his chapter on the division of the spoils is far more interesting for the deep insight into the intricacy of the multiple and sometimes contradictory rules governing the share of the gains in France and England.<sup>26</sup> In addition, two case studies explore in detail some technical issues resulting from the complexity of these rules and the conflict between rival claimants over a share of the huge ransoms of the count of Denia (Edouard Perroy, 1951; Alan Rogers, 1962-3) and Olivier du Guesclin (Chris Given-Wilson, 1981).<sup>27</sup>

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<sup>21</sup> C.T. Allmand, 'War and profit in the Late Middle Age', *History Today*, 15 (1965), 762-9; A. Tuck, 'Why men fought in the Hundred Years War?', *History Today*, 33 (1983), 35-40.

<sup>22</sup> D. Hay, 'The division of the spoils of war in fourteenth-century England', *T.R.H.S.*, 5<sup>th</sup> series, 4 (1954), 91-109, at p. 97.

<sup>23</sup> P. Contamine, 'Rançons et butins dans la Normandie anglaise, 1424-1444', in *La guerre et la paix au Moyen Age*, Actes du 101<sup>e</sup> congrès des sociétés savantes, Paris, 1978, 241-270 (reprint in his *La France aux XIV<sup>e</sup> et XV<sup>e</sup> siècles. Hommes, mentalités, guerre et paix*, London, 1981).

<sup>24</sup> J. M. W. Bean, *From Lord to Patron. Lordship in late medieval England*, Manchester, 1989, pp. 238-44; A. Ayton, *Knights and warhorses. Military service and the English aristocracy under Edward III*, Woodbridge, 1994, pp. 127-37.

<sup>25</sup> R. Ambühl, 'A fair share of the profits? The ransoms of Agincourt', *Nottingham Medieval Studies*, 50 (2006), 129-50, pp. 142-8. The royal portion was allegedly deducted from the wages of the soldiers by the end of the fourteenth century. I however showed that a different practice co-existed at Agincourt. Idem, 'Le sort des prisonniers d'Azincourt (1415)', pp. 757-62.

<sup>26</sup> Keen, *The laws of war*, pp. 91-109.

<sup>27</sup> E. Perroy, 'Gras profits et rançons pendant la guerre de Cent Ans: l'affaire du comte de Denia', in F. Lot, M. Roques & C. Brunel (ed.), *Mélanges d'histoire du moyen âge dédiés à la mémoire de Louis Halphen*, Paris,

The impact of ransoms on the soldier's fate has interested many scholars. Michael Jones (1996) investigated the case of John Bouchier who was captured by the French in the early 1370s and M. Stansfield (1990) that of John Holland, earl of Huntingdon, who was taken prisoner in the 1420s.<sup>28</sup> Both prisoners eventually recovered from their capture and ransom, but we have already seen that this was not always the case. Other studies focused on more particular aspects of the collecting of funds for the payment of ransoms. Michael K. Jones (1991) authored a very interesting study on the practice of 'ransom brokerage', which highlights the intervention of a third person who organised the liberation of the prisoner.<sup>29</sup> In a very recent article, James Bolton (2007) highlighted the role of merchants and bankers in the payment of the ransom of Thomas Rempston.<sup>30</sup> Anne-Laure Sans (2003) explored the feudal, diplomatic and practical issues at stake in the collection of funds and their transport to the masters of Jean de Fribourg.<sup>31</sup> Finally, Bossuat (1951) examined problems raised by the conveyance of funds between enemy territories in his article on the ransom of Jean Régnier.<sup>32</sup>

Political issues could also interfere in the case of more important captives, as Michael Jones (1972) showed with Jean de Bretagne, count of Penthievre, whose detention in England from 1353 to 1387 was closely connected with political events in England, Brittany and France.<sup>33</sup> During his very long detention after his capture at Agincourt, Charles, duke of Orléans, was even used by the English government to exert diplomatic pressure on the French (Allmand, 1967).<sup>34</sup> The crown's sovereign right over the fate of prisoners and its numerous acquisitions of prisoners have been the subject of two main studies. While Contamine (1998) studied the French king's attitude to prisoners of war throughout the war, Francoise Bériac-

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1951, 573-80; A. Rogers, 'Hoton versus Shakell', *Nottingham Medieval Studies*, vi (1962), 74-108; vii (1963), 53-78; C. Given-Wilson, 'The ransom of Olivier du Guesclin', *H.R.*, 54 (1981), 17-28.

<sup>28</sup> M. Jones, 'Fortunes et malheurs de guerre. Autour de la rançon du chevalier anglais Jean Bouchier (†1400)', in P. Contamine & O. Guyotjeannin (ed.), *La guerre, la violence et les gens au Moyen Âge*, i. *Guerre et violence*, Paris, 1996, 189-208; M. H. Stansfield, 'John Holland, duke of Exeter and earl of Huntingdon and the costs of the Hundred Years War', in M. A. Hicks (ed.), *Profit, Piety and the Professions in later medieval England*, Gloucester, 1990, 103-18.

<sup>29</sup> M. K. Jones, 'Ransom brokerage in the fifteenth century', in P. Contamine, C. Giry-Deloison & M. H. Keen (ed.), *Guerre et société en France, en Angleterre et en Bourgogne, XIVe-XVe siècle*, Lille, 1991, 221-35.

<sup>30</sup> J.-L. Bolton, 'How Sir Thomas Rempston paid his ransom: or, the mistakes of an Italian bank', in L. Clark (ed.), *Conflicts, Consequences and the Crown in the Late Middle Ages*, Woodbridge, 2007, 102-18.

<sup>31</sup> A.-L. Sans, 'La rançon de Montreuil. Comptes d'un voyage à Paris (1419-1420)', in A. Paravicini Bagliani, E. Pibiri & D. Reynard (ed.), *L'itinéraire des seigneurs (XIVe-XVIe siècles)*, Lausanne, 2003, 103-21.

<sup>32</sup> A. Bossuat, 'Les prisonniers de Beauvais et la rançon du poète Jean Régnier, bailli d'Auxerre', in *Mélanges d'histoire du Moyen Âge dédiés à la mémoire de Louis Halphen* (op. cit. n. 27), pp. 27-32.

<sup>33</sup> M. C. E. Jones, 'The ransom of Jean de Bretagne, count of Penthievre: an aspect of English foreign policy, 1386-8', *H.R.*, 45 (1972), 7-26.

<sup>34</sup> C.T. Allmand, 'The Anglo-French negotiations, 1439', *H.R.*, 40 (1967), 1-33.

Lainé and Chris Given-Wilson (2001) focused on Edward III's political motivation underlying his acquisitions of French and Scottish captives.<sup>35</sup>

This abundant literature on prisoners of war and ransoms in the late Middle Ages raises the ultimate question: is there room or need for a new work on this topic? The answer is firmly positive. Firstly, it will fill the gap left by the absence of any comprehensive study on prisoners and ransoms within a broader chronological framework. Secondly, there are still several aspects of the topic which remain relatively obscure. For instance, I believe that the great interest taken by scholars in the impact of ransoms on the fate of prisoners has overshadowed a much needed appraisal of the channels of assistance. This will be the subject of the third part of my thesis. Thirdly, some well-acknowledged theories show weaknesses. I refer, in particular, to the legal framework of the ransom business and the status of prisoner of war, which will be under close scrutiny in the first two chapters. Fourthly, there is a great amount of original material in archival repositories which can be used. Indeed, this thesis is heavily based on documents from the Archives Nationales and Bibliothèque Nationale in Paris, as well as The National Archives and the British Library in London. Fifthly, my familiarity with both the French and English sources enabled me to look at this topic from both sides, comparing prisoners captured by both sides. Finally, unlike most previous studies, this thesis places as much emphasis upon the experiences of lower-ranking prisoners as upon those of the higher social levels.

## **II. Sources and methodology**

The very large and ambitious chronological framework of this study meant that some choices had to be taken at the very start of the research. As there was no doubt that a systematic in-depth coverage of the 116 year-long conflict was virtually impossible, I have focused my attention on two very distinct periods of time: the 1370s and the 1420-30s. While the 1370s were marked by the French recovery after the disaster of Poitiers, the 1420s and 1430s saw the high point of the English occupation of France. The justification of this choice is twofold. Firstly, the sharp contrast between these two stages of the war provides useful elements of comparison. Secondly, Bériac-Lainé and Given-Wilson's study of the prisoners of

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<sup>35</sup> P. Contamine, 'The Growth of State Control', pp. 164-93; F. Bériac-Lainé & C. Given-Wilson, 'Edward III's Prisoners of War. The Battle of Poitiers and its Context', *E.H.R.*, 116 (2001), 802-34. The results of these researches will be further discussed in Chapter 3.



Poitiers (1356) as well as my own research on the prisoners of Agincourt (1415) fill out the picture. In practice, I must say that this study is rather more deep-rooted in the fifteenth century, for which I collected material from the early 1420s to the late 1440s in great abundance. In carrying out this research, I deliberately put the emphasis on the diversity of the primary sources and an extensive use of archival material (primarily from Paris and London, and, secondarily, from Lille). The ensuing catalogue is a short typology of the main sources which lay the foundation of my work.

*Narrative records* – (1) Late medieval ‘chivalric’ chroniclers provide useful information about prisoners and ransoms. There is no room here to proceed to a complete review of all such works which have been consulted in the framework of this study.<sup>36</sup> Froissart’s chronicle has always been recognised as an important source for warfare, but equally useful is the chronicle of Enguerran de Monstrelet (1400-47).<sup>37</sup> The latter gives a detailed account of the military action in France during the years of the English occupation and the issue of prisoners of war is abundantly illustrated in his work. When it is possible to compare it with other sources, Monstrelet’s testimony proves to be particularly reliable and even well-informed. One must however be aware of his Burgundian roots when using his work as well as his main interest in the aristocracy.<sup>38</sup> – (2) *Le Jouvencel* (c. 1461-6) which is partly inspired by the life and career of the French captain Jean Du Bueil during the first half of the fifteenth century offers a very different point of view.<sup>39</sup> This semi-fictional story is a unique and valuable source, as it gives a deep and original insight into the world of the combatant, its mentality and its rules. In dealing with this source, one must however remain aware of the obvious didactic purpose of its author and the latter’s praise for public order. – (3) Poetical works have largely been disregarded as a source for the study of prisoners of war. It is however significant to note that some prisoners wrote poetry during their captivity. The most well-known case of poet-prisoner is probably that of Charles d’Orléans who wrote a large amount of poems in his English prison. Very often though, the prisoner’s approach to the topic of his detention was rather allegorical, which makes it very interesting to the philologist, but hardly exploitable by

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<sup>36</sup> About chivalric chronicles, see C. Given-Wilson, *Chronicles. The Writing of History in Medieval England*, London, 2004, especially pp. 101-11.

<sup>37</sup> Enguerran de Monstrelet, *Chronique*, L. Douët-d’Arcq (ed.), 6 vol., Paris, 1857-62.

<sup>38</sup> About Monstrelet as ‘the founder of the Burgundian chivalric chronicle’, see G. Le Brusque, ‘Chronicling the Hundred years War in Burgundy and France in the Fifteenth Century’, in C. Saunders, F. Le Saux & N. Thomas (ed.), *Writing War. Medieval Literary Responses to Warfare*, Woodbridge, 2004, 77-92, at p. 78.

<sup>39</sup> Jean de Bueil, *Le Jouvencel*, C. Favre & L. Lecestre (ed.), 2 vol., Paris 1887-9. For a comment on the authorship and the text, see C. T. Allmand, ‘Entre honneur et bien commun: le témoignage du *Jouvencel* au XVe siècle’, *Revue Historique*, 301 (1999), 463-81.

the historian.<sup>40</sup> This was however not the case with Jean Régnier's *Les Fortunez et adversitez* (1432) in which the Burgundian knight provides a vivid and detailed account of his captivity in the tower of Beauvais, in 1432.<sup>41</sup> His great distress could raise questions, as he is known to have enjoyed particularly good conditions of captivity.

*Administrative records* – (1) As already mentioned, sovereigns were involved in the issue of prisoners of war. They attempted to regulate captures and division of the spoils through ordinances and isolated orders. The *Black Book of the Admiralty* includes two well-known sets of ordinances of war issued by Richard II (1385) and Henry V (1419),<sup>42</sup> but there are many other ordinances and royal orders concerning the issue of prisoners of war which can be found in, for example, the series *Quittances et Pièces diverses* in the Bibliothèque Nationale in Paris.<sup>43</sup> When using these sources, one must always wonder what the impact of these orders was. As will be seen, soldiers sometimes proved to be very disobedient, in particular when it came to gains of war. – (2) In other instances, royal orders originated in individual requests. The largest series of individual petitions is preserved in the National Archives in London (TNA, SC 8).<sup>44</sup> Many of these petitions involve ransom issues. In many cases, the petitioner was in difficulty because of his capture and asked for assistance from the authorities. Some of these petitions were endorsed by the lords or the commons and debated in Parliament. In this respect, the parliament rolls also contain a good deal of information about prisoners.<sup>45</sup> The problems raised by these sources and the precaution they require in their handling will be discussed in Chapters 7 and 8. – (3) Successful petitions gave rise to grants. Traces of these grants can be found in great numbers in the *Warrants for Issue* (TNA, E 404),<sup>46</sup> the *Treaty Rolls* (TNA, C 76),<sup>47</sup> the *Pièces Originales* (BnF),<sup>48</sup> the *Quittances et*

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<sup>40</sup> J.-C. Mühlethaler, 'Charles d'Orléans, une prison en porte-à-faux. Co-texte courtois et ancrage référentiel : les ballades de la captivité dans l'édition d'Antoine Vérard (1509)', in M.-J. Arn (ed.), *Charles d'Orléans in England (1415-1440)*, Woodbridge, 2000, 165-82.

<sup>41</sup> Jean Régnier, *Les fortunes et adversitez*, E. Droz (ed.), Paris, 1923.

<sup>42</sup> *Black Book of the Admiralty*, T. Twiss (ed.), 4 vol., London, 1871-6, i. 453-72.

<sup>43</sup> I covered the years 1415 to 1443 in my research. BN, Ms Fr 26041-64 (1416-1442).

<sup>44</sup> I have been able to carry out a full investigation of the series Ancient Petition (SC 8) over the whole period of the Hundred Years War, thanks to the on-line database created within the framework of a recent A.H.R.C. funded project based at the University of York.

Internet website: <http://www.nationalarchives.gov.uk/documentsonline/petitions.asp>.

<sup>45</sup> *The Parliament Rolls of Medieval England*, C. Given-Wilson & al. (ed.), 16 vol., Woodbridge, Suffolk and Rochester, 2005. The CD-ROM (Scholarly Digital Editions, Leicester, 2005) version of the rolls allows quick search.

<sup>46</sup> For the fourteenth century, I consulted TNA, E 404/8-12 (November 1368 to November 1382). I have also been able to survey the whole first half of the fifteenth century (E 404/15-71) thanks to *List and Indexes*, supplementary series no. 9, ii. : *Warrants for issues, 1399-1485: with an appendix, indentures of war, 1297-1527*, Public Record Office (ed.), New-York, 1969.

*Pièces Diverses* (BnF) and the abundant Burgundian accountancy (partly in the Archives Départementales du Nord, ADN).<sup>49</sup> Even if, in general, all these records were issued by or addressed to the authorities, their content gives valuable information about private issues.

*Legal records* – (1) Legal treatises on matters relating to war are common in the late Middle Ages. In particular, the French lawyer Honoré Bonet wrote extensively about the issue of prisoners of war and private ransoms in his *Tree of Battles*.<sup>50</sup> How far the principles included in such treatises applied in the daily life of the soldiers is debatable. It must be noted, however, that we occasionally see lawyers in court who based their pleas on these principles. – (2) One such legal court is the Parlement of Paris. The well-preserved registers of the Parlement include many legal suits involving prisoners of war and ransoms (Archives Nationales, X1a, X1c and X2a).<sup>51</sup> These cases give a unique insight into the world of the combatants. They must be interpreted carefully however, as appellants and defendants inevitably tried to show themselves in their best light. Very often too, the verdict of the court is unknown. – (3) In parallel with the legal courts, subjects also resorted to the justice of the king when they sought to get a remission for their crime. These letters of remission granted by the French and English chancery (in the time of the double monarchy) have survived in great numbers in France (AN, JJ).<sup>52</sup> These documents must also be handled very carefully. Not only do we know only about the successful requests, but also petitioners certainly did not hesitate to turn the facts to their advantage.<sup>53</sup>

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<sup>47</sup> The Treaty Rolls for the reign of Henry V and Henry VI have been catalogued in 'Calendar of French Rolls' in *Reports of the Deputy Keeper. Appendix to 44th Report of the Deputy Keeper of the Public Records*, London, 1883, pp. 543-638; *Appendix to 48th Report of the Deputy Keeper of the Public Records*, London, 1887, pp. 217-450. The consultation of the original rolls proved to be necessary. I searched a limited amount of them for the years 1371-6, 1415-9, 1426, 1427, 1433.

<sup>48</sup> I covered the years 1415 to 1442 in my research.

<sup>49</sup> The impressively well preserved Burgundian accountancy has unfortunately not been the object of intensive investigation. This should be done in a near future. I owe several references to Prof. Bertrand Schnerb who also provided me with the complete copy (digital pictures of the originals) of the expenses of several accounts of the 1440s which are preserved in Lille (ADN, 1972, 1975, 1978, 1982, 1988, 1991, 1994). I also gathered several references from BN, Coll. Bourgogne, vol. 29.

<sup>50</sup> Honoré Bonet, *The Tree of Battles*, G. W. Coopland (transl.), Liverpool, 1949, p. 134.

<sup>51</sup> The consultation of this source is not necessarily easy. The *Centre d'étude d'histoire juridique (C.E.H.J.)*, based at Hôtel Soubise in Paris produced and still produce valuable instruments of research. I have been able to survey the series *Jugés, lettres et arrêts* in the 1370s thanks to an analytical inventory on paper. A recent on-line database covering the years 1416-1432 has also proven to be extremely useful to investigate the series of the Parlement during its exile at Poitiers.

<sup>52</sup> The letters of remission issued by the English chancery at the time of the duke of Bedford's regency have been published in *Actes de la chancellerie d'Henry VI concernant la Normandie sous la domination anglaise (1422-1435)*, P. le Cacheux (ed.), 2 vol., Rouen and Paris, 1907-8. I also consulted some registers in the 1370s, late 1430s and 1440s.

<sup>53</sup> Cfr. Claude Gauvard, « *De grace especial* ». *Crime, Etat et société en France à la fin du Moyen Age*, 2 vol., Paris, 1991, especially chapter 2.

*Hagiographic records* – Finally, a few words should be said about miracle stories. In particular, I made extensive use of a surviving register of the Miracles of Sainte-Catherine-de-Fierbois (near Tours in France).<sup>54</sup> The stories included in this register are those of the French captives who regained their freedom through the miraculous intervention of Sainte-Catherine. The large majority of them relate to the first half of the fifteenth century. The strongest points of these types of sources are the variety of social backgrounds from which the witnesses came and the vivid description of their experience in the hands of their captors. It goes without saying that their miraculous escapes should be regarded with some scepticism.

These are the main sources which lay the foundation of this thesis. My research has been deliberately wide-ranging instead of being specialised in one particular set of sources or one single document. (I would like to highlight the fact that this last option was very real. The National Archives in London hold a 19 membrane long roll relating to the ransom of a Flemish soldier captured during Bishop Despenser's expedition in Flanders in 1383.<sup>55</sup> His escape in the early 1390s gave rise to a legal suit in which his ownership was disputed between several claimants. The document is still awaiting its editor.) This all-embracing approach to the topic is also reflected in the treatment of the information. In an effort to remain comprehensive, I carefully avoided any deep immersion in ransom or prisoner case studies. Indeed, the next addition to this topic ought to be wide-ranging and in-depth at the same time.

### III. Structure

To what extent can we talk about the Hundred Years War as the golden age of private ransoms? What does this mean or imply for the men and women living in those times? These questions will be addressed from the point of view of the individuals who were directly or indirectly involved in the capture of prisoners of war. The prisoners themselves and their captors will be the focal point. In addition, I will also pay close attention to the princes, relatives, friends and companions of these men. This study is divided into three parts. The first part hinges on the status of prisoner of war, where I explore its legal, social and political

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<sup>54</sup> *Livre des miracles de Sainte-Catherine-de-Fierbois (1375-1470)*, Y. Chauvin (ed.), Poitiers, 1976. See also his analysis of the register in 'Le Livre des Miracles de Sainte-Catherine-de-Fierbois', *Bulletin de la Société des Antiquaires de l'Ouest*, 4 (1975), 281-311.

<sup>55</sup> TNA, C 47/6/5.

framework. The second part is entirely devoted to the process of ransoming from the capture of the prisoner until an agreement was reached. The last part will finally be devoted to the networks of assistance to prisoners of war; the different actors, their forms of support and the degree of their involvement will all be under scrutiny.

## Part I

# STATUS, LAW AND POLITICS

The first part of this thesis focuses on the status of prisoner of war at the end of the Middle Ages. We have seen that this status which protected the lives of the prisoners was arguably deep-rooted into the mentalities at the beginning of the Hundred Years War, at least, insofar as the elite were concerned. The fact that, in the first half of the fifteenth century, contemporaries made explicit references to ‘prisoners of war’ as combatants who deserved to be ransomed, as opposed, for instance, to brigands who should be punished, substantiates this assumption.<sup>1</sup> Even common soldiers seem to be able to enjoy the status of prisoner of war at that time. Nevertheless, it turns out that the insufficiency of the law and various political factors might all too easily jeopardise the prisoner’s life. In Chapter one, I will explore the legal framework of the status of prisoner of war. It has long been established that the international ‘law of arms’ governed all issues relating to prisoners, but the large gap between theory and practice urges a re-evaluation of this theory. This reflection is expanded upon in chapter two where I examine political and social factors involved in the status of prisoners of war in the particular context of Lancastrian Normandy. Chapter three, which ends this first section, focuses on the attitude of the French and English crowns toward prisoners of war.

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<sup>1</sup> AN, KK 648, no. 12 (1428, May 4). The document will be fully discussed in Chapter two.

## Chapter 1

# *The status of prisoner of war and the laws of ransom*

What were the rules concerning prisoners of war and how closely did soldiers follow them? The key reference book on these questions remains *The Laws of War in the Late Middle Ages*, by Maurice Keen. Drawing on legal records from the Parlement of Paris and the English Court of Chancery, as well as chivalric and legal treatises, Keen built the idea of a coherent code of laws governing the conduct of warfare in the fourteenth and fifteenth centuries. For Keen, this international code, the law of arms, was based on ‘customary usages’ in combination with principles extracted from civil and canon laws.<sup>1</sup> In so far as the law of arms concerns prisoners of war and ransoms, Keen’s view is that it ensured clemency and moderation;<sup>2</sup> that the lives of prisoners were spared; that the conditions of captivity were reasonable; and that the ransom of the prisoner would be fair. Keen maintains this theory, despite the numerous infringements of the rules discussed in his chapter on the ‘law of ransom’. Indeed, in his opinion, ‘the very fact that men bothered to find rules to circumvent it [the law of arms] shows that they had a certain respect for the law, and recognised the usefulness of its regulation of their military commerce’.<sup>3</sup>

In my opinion, however, this rather benign view of the law of arms and the weight placed upon it by scholars such as Keen is not entirely justified. As we will see, there is a huge discrepancy between theory and practice. This discrepancy requires a new interpretation of the legal world of the combatant, as far as it relates to prisoners of war. And that is the purpose of this chapter. The first part focuses on the rules, such as the law of arms and the royal ordinances of war. How far do those instruments apply to or govern prisoners and ransoms? In the second part, I investigate the application (or misapplication) of those

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<sup>1</sup> Keen, *The laws of war*, p. 17.

<sup>2</sup> Ibid., pp. 156-85

<sup>3</sup> Ibid., pp. 184-5.

instruments with regards to the treatment of prisoners of war. Finally, in the third part, I explore the significance of contractual agreements within military society.

## I. The rules

### *The law of arms*

Keen's theory of a universally respected law of arms which governs all matters relating to war relies heavily on *The Tree of Battles*, a legal treatise written by the professional canonist Honoré Bonet in the late fourteenth century. Keen thinks that this treatise was used as a legal handbook enshrining the principles of the law of arms.<sup>4</sup> Through the heralds (whom Keen describes as 'professors of chivalry'), so Keen maintains, the soldiers placed reliance on *The Tree of Battles*. Lawyers too, according to him, relied on this treatise because it was founded in the canon and the civil law. Nicholas Wright however challenged Keen's theory.<sup>5</sup> For Wright, there was no coherent code of laws relating to war: 'the thesis [Keen's], recently advanced, that the laws relating to war (...) formed a naturally coherent structure in which the laws "were not all essentially different but supplementary to one another in particular matters", appears, on the evidence of the *Tree*, to be untenable'.<sup>6</sup>

In relation to prisoners of war, the *Tree* contains many contradictory ideas. For example: 'Should mercy be granted to the duke of the battle in the event of his capture?'<sup>7</sup> To this rather straightforward question, Bonet gives the following answers. According to the civil law, 'he who is taken in battle is serf of him who takes him.' On the one hand, Bonet deduces from this principle that, in theory, the master could therefore work his will on his captive.<sup>8</sup> On the other hand, he draws attention to a *decretal* which dictates mercy to the prisoner. In Bonet's opinion, this principle of mercy is a good one, which should be followed, unless 'by his deliverance [of the prisoner] there is danger of having greater wars.' However, this is not the final word. Betraying some uncertainty, Bonet concludes the debate by invoking the argument

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<sup>4</sup> Ibid., pp. 20-1

<sup>5</sup> N.A.R. Wright, 'Tree of Battles of Honoré Bouvet and the Laws of War', in C. T. Allmand (ed.), *War, Literature and Politics in the Late Middle Ages*, Liverpool, 1976, 12-31.

<sup>6</sup> Ibid., p. 24.

<sup>7</sup> Bonet, *The Tree*, p. 134.

<sup>8</sup> The term 'master' is sometimes used to identify as the owner of a prisoner in contemporary sources. If this term originates in the relationship between master and serf, there is no extra connotation in my use of this term. It merely allows me to make a practical distinction between the captor of the prisoner and the man who acquired him by purchase or by any other way. When I am not sure whether the owner is the actual captor, I will use the term master.



of the civil law, according to which ‘he who takes him can work his will on him’. This article is representative of the general reflective tone of this treatise which, in my opinion, is not consistent with that of a practical *handbook* to be used ‘on the ground’.

The nature and purpose of Bonet’s work were rather different. Behind the contradictions between the rules was, in fact, the conflict between public order and private interests. On one hand, Bonet advocated that all prisoners captured ‘should be the lord’s in whose pay the soldier is’.<sup>9</sup> On the other hand, paradoxically enough, the lawyer debated at length, elsewhere in his treaty, the rights relating to private ransoming.<sup>10</sup> Bonet clearly inclined towards a better order and a stronger control of the state over the business of war. For him, the present state of affairs was intolerable. He complains, for example, about the greed of the soldiery: ‘God well knows that the soldiery of today... take from their prisoners, or cause them to pay, great and excessive payments and ransoms without pity or mercy’.<sup>11</sup> Rather than a codification of military practice, Wright is probably right to associate the *Tree* with a programme of reform.<sup>12</sup>

What is left of Keen’s interpretation of the law of arms? That the law existed and was implemented is beyond question. Contemporaries make constant reference to it. It is, in fact, its content which is at debate. In denying the role of legal handbook attributed to the *Tree of battles*, Wright also rejects the alleged inclusion of principles of civil and canon law in the law of arms. This law was, for him, essentially customary: ‘the long-established customs which protected the rights of individual soldiers and which had been evolved with few points of reference outside the military profession was just such a special law: it was called the law of arms’.<sup>13</sup> This point of view is largely shared by Pierre-Clément Timbal who defined the law of arms as an international set of military customs or usages for knightly soldiers.<sup>14</sup>

This law does not appear to have been compiled in any book at the time of the Hundred Years War. At any rate, there is no such book which has survived. The ensuing difficulty for the historian is not insuperable, as references to it abound in various legal and narrative sources. I will however not provide any detailed analysis of all the rules that are known to us. This tedious task would lead this study in a rather technical direction and detach us, at the

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<sup>9</sup> Bonet, *The Tree*, pp. 134-5.

<sup>10</sup> Bériac-Lainé, ‘Les prisonniers en Europe’, p. 116.

<sup>11</sup> Bonet, *The Tree*, pp. 152-3.

<sup>12</sup> Wright, ‘*Tree of Battles*’, p. 31.

<sup>13</sup> *Ibid.*, p. 30.

<sup>14</sup> Timbal, *La Guerre de Cent Ans*, p. 269.

same time, from the experience of the late medieval combatants.<sup>15</sup> In brief, one must know that the law of arms turns out to be mainly concerned with regulating the capture of prisoners and the share of ransoms and booty. And its rather specialised rules, as Wright noted, ‘were to be observed not from the fear of punishment but from a desire not to be excluded from a share in the profits of war’.<sup>16</sup> This led Denis Hay to describe the law of arms as little more than ‘rapacity working through well-organized legal channels’.<sup>17</sup> However, it must be noted that we do find occasional references to the law of arms which protect the life of the prisoner. Honoré Bonet, for example, mentioned the custom of taking ransom ‘among Christians great and small’, indirectly stating that prisoners’ lives were normally spared within the Christian world. Also, according to Jean Froissart, the law of arms prescribed good treatment of prisoners of war.<sup>18</sup> It even authorised the escape of the captive in case of ill-treatment, as was argued in a legal case before the Parlement of Paris in 1371.<sup>19</sup>

### *Royal Ordinances of War*

The law of arms was not the only set of rules which governed the business of war. This is made clear in a chapter of the *Jouvencel*.<sup>20</sup> In this passage, a young gentleman entered the fictional town of Crathor with his prisoner and kept him there in captivity without the knowledge of Crathor’s captain. When this news eventually came to the captain’s ears, the prisoner was taken from his captor who lost his rights over him. Feeling sympathy for the young gentleman who had, incidentally, broken the rules, the author recommended any newcomer to the military profession to enquire about the ordinances of war and usages (law of arms) in force. In theory, the main difference between the body of customs which formed the law of arms and the rules set by royal ordinances of war is their scope. By definition, unlike the ‘international’ law of arms, royal ordinances only bound the subjects of the sovereign who issued them. It is therefore probably necessary to specify that my commentary will mainly focus on the situation in England.<sup>21</sup>

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<sup>15</sup> *Le Jouvencel* includes many rules. Some of these principles concerning the capture will be examined in more detail in Chapter four. Various studies have also brought to light numerous principles. See, for instance, the works of Keen, Timbal and Wright which have already been quoted. See also, Hay, ‘The division of the spoils’, pp. 91-109; Given-Wilson, ‘The ransom of Olivier du Guesclin’, pp. 17-28.

<sup>16</sup> Wright, ‘*Tree of Battles*’, p. 21.

<sup>17</sup> Hay, ‘The division’, p. 94.

<sup>18</sup> Jean Froissart, *Oeuvres*, Kervyn de Lettenhove (ed.), 25 vol., Brussels, 1867-79, vii. 459; viii. 43.

<sup>19</sup> Timbal, *La guerre de Cent Ans*, p. 328.

<sup>20</sup> *Le Jouvencel*, ii. 13.

<sup>21</sup> The following introductory remarks on the ordinances are drawn from A. Curry, ‘The military ordinances of Henry V: texts and contexts’, in C. Given-Wilson, A. Kettle & L. Scales (ed.), *War, Government and*

Royal ordinances were aimed at disciplining troops. They were regularly issued with the addition of new clauses or the removal of others as deemed appropriate. We know that ordinances of war in the Hundred Years War were proclaimed publicly in English and for some of them in French. They were sometimes cried out just before the battle. Copies of them were in the hands of the captains of the host or the garrison and possibly made available to the soldiers. A few clauses in these documents concerned the issue of prisoners of war. Keen, who did a thorough examination of the Durham ordinances of war, issued in 1385, discerned three different purposes behind the clauses relating to prisoners.<sup>22</sup> The first was to ensure to the king, as commander of the host, his due share in all gains made during the expedition. The second was to discourage and limit quarrels between rival claimants to a capture. The third was to preserve the safety of the host. The two first purposes match closely those of the law of arms: that is, regulating the capture of prisoners and the share of the ransoms.

The third purpose deserves closer attention, as, contrary to the first two, it potentially entails interference in the conduct of the captor toward the prisoner. Firstly, the Durham ordinances anticipated that any soldier had to take his prisoner as soon as he could to his captain: the captain was bound to bring him before the superior commanders, so that the prisoner could be properly interrogated.<sup>23</sup> Secondly, the captor and his captain were after that responsible for keeping the prisoner under guard. Thirdly, they were not entitled to allow him to go home in quest of his ransom except with the leave and under the safe-conduct of the king, or of his constable or marshal. Apart from some minor changes, several ordinances of war issued during the reign of Henry V repeat these terms, so that we can definitely consider them as being part of an established core of disciplinary ordinances.<sup>24</sup> Through these measures, the king retained the right to interfere in the process of ransoming. At the outset, the prisoner had to be presented to the king. Toward the end of the process, the king had another opportunity to intervene, as he, together with the constable and the marshal, was the only authority who could deliver safe-conducts to prisoners. Beyond the safety purpose of these measures, as the authorities were trying to control the movement of the prisoners, there

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*Aristocracy in the British Isles, c.1150-1500: Essays in Honour of Michael Prestwich*. Woodbridge, 2008, 364-88.

<sup>22</sup> *Black Book*, i. 456-7; M. Keen, 'Richard II's Ordinances of War of 1385', in R. E. Archer & S. Walker (ed.), *Rulers and Ruled in late Medieval England. Essays presented to Gerald Harris*, London & Rio Grande, 1995, 33-48.

<sup>23</sup> *Black Book*, i. 456-7.

<sup>24</sup> Curry, 'The military ordinances', p. 376.

is good reason to believe that their aim was also to ensure that ‘political’ prisoners, that is, princes of blood, high officers, traitors or brigands, would not slip from the king’s hands.<sup>25</sup> What is important to note here is that none of the measures included in these ordinances concerned the captor’s behaviour toward his captive.

## II. The experience of prisoners

It turns out that the principles relating to the issue of prisoners of war included in the law of arms and the ordinances of war were much more concerned with the rights and duties of the captors rather than those of the prisoners. In this respect, legal cases arising from litigation between rival claimants to the capture or the ransom of a prisoner are numerous. In some cases, the execution of prisoners was debated in court, but it was only in terms of financial compensation for the captor who had lost his prospect of profits.<sup>26</sup> In fact, I could cite only a single case debating the unlawful execution of a prisoner of war. And it is significant that this case was that of Joan of Arc in 1430. The maid of Orléans was accused, among other charges, of having unjustly killed Franquet d’Arras, a noble man-at-arms in the pay of the duke of Burgundy.<sup>27</sup> This had obviously much less to do with the life of Arras than that of Joan of Arc herself. It would indeed be very naïve to consider this charge as anything other than the interrogators’ eagerness to justify Joan of Arc’s execution. It would also be naïve to consider that if the illegal killing of prisoners was never raised in a court of law, it was because this principle of law which protected their life was, in general, very well observed. Violence to its extreme, i.e. the slaughter of prisoners, was by no means exceptional; rather it was an integral part of the war experience, as I will now try to show.

### *The killing of prisoners*

In theory, as we have mentioned earlier, combatants within the Christian world were accustomed to ransom each other.<sup>28</sup> Bloodshed however took place between Christians, as

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<sup>25</sup> The question of brigandage will be examined in Chapter 2. Crown interferences in ransom businesses will be discussed in Chapter 3.

<sup>26</sup> See, for instance, AN, X1c/15/268 (1365, December 18); X1a 4801, fol. 398v-399 (1448, February 26).

<sup>27</sup> *Procès de condamnation de Jeanne d’Arc*, P. Champion (ed.), Paris, 1920, pp. 126-8 (1430, March 14). About Arras’s execution, Monstrelet wrote *Et ladite Pucelle, fist trancher la teste a ycelui Franquet, qui grandement fut plaint de ceulx de son party, pour tant qu’en armes il estoit homme de vaillant conduite*. Monstrelet, *Chronique*, iv. 382.

<sup>28</sup> Battles against the Infidel could certainly end in the indiscriminate massacres of the vanquished. P. Contamine, *War in the Middle Ages*, M. Jones (transl.), Oxford, 1984, p. 256. For instance, no prisoners were supposed to be taken at the battle of Najera (1367) because of the great numbers of Jews and Muslims which

some combatants such as the Swiss, the Irish and the Frisians were known to give battle without mercy.<sup>29</sup> If the practice of ransom was certainly much more deep-rooted in France and England, the prisoner's life was however not necessarily safe. 'Class hatred' entailed many a death. In this respect, clashes between the communes (non-combatants) and the nobles often ended in blood.<sup>30</sup> Also, as a general rule, the life of the more humble soldier was never totally safe, when he fell into the hands of the enemy. It is not uncommon indeed to read in the sources that the leader of a company together with one or two men was the only survivor of an encounter, the rest of the prisoners being put to the sword.<sup>31</sup> Herald Sicile even advocates in his treatise of heraldry that any gentleman should tell his captor about his nobility at the moment of his capture so that his life would be spared, implying thereby that the lives of non-noble combatants were not safe.<sup>32</sup>

More than a question of status, it rather was a question of financial value and solvency for many contemporary writers. *Qui a de l'argent toujours, tous jours, eschape et fine* said the fourteenth-century chronicler, Jean Cuvelier, talking about the release of several French prisoners captured at the battle of Lussac in 1370.<sup>33</sup> The disagreeable implication was that the lives of captives who could not afford their ransom was, on the other hand, in serious danger. Describing the troubles in France at the time of the English invasion of Normandy, the monk of Saint-Denis stated in this respect that 'every man who declared that he could not pay his ransom was either hanged or drowned'.<sup>34</sup> The urgent need for money recurs in the poetry of Jean Régnier who wrote during his captivity at Beauvais, in 1432.<sup>35</sup> The following roundel is particularly evocative:<sup>36</sup>

*Le prisonnier  
Qui n'a argent  
Est en dangier  
Le prisonnier*

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were participating. Jean Froissart, *Chroniques*, S. Luce, G. Raynaud & L. and A. Mirot (ed.), 14 vol.-, Paris, 1869-1977, vii. 75.

<sup>29</sup> Contamine, *War in the Middle Ages*, p. 256.

<sup>30</sup> The general remark is raised in *Ibid.*, p. 291. For particular examples, see Monstrelet, *Chronique*, iv. 430-1 ; vi. 259 ; Guillaume Cousinot, *Chronique dite de la Pucelle*, A. Vallet de Virville (ed.), Paris, 1859, p. 299.

<sup>31</sup> See, for instance, *Livre des Miracles*, p. 53, no. 100 (1426, 13 January) ; Froissart, *Chroniques*, ix. 105 ; Monstrelet, *Chronique*, iv. 415-6 ; v. 75.

<sup>32</sup> *Parties inédites de l'œuvre de Sicile*, P. Roland (ed.), Mons, 1867, i. 45 ; as cited in P. Adam-Eve, 'Les fonctions militaires des hérauts d'armes. Leur influence sur le développement de l'héraldique', *Archives Héraldiques Suisses*, 71 (1957), 2-33, at pp. 14-5.

<sup>33</sup> Jean Cuvelier, *Chronique de Bertrand Du Guesclin*, E. Charrière (ed.), 2 vol., Paris, 1839, i. 207.

<sup>34</sup> Religieux de Saint-Denis, *Chronique*, L.-F. Bellaguet (ed. and transl.), 6 vol., Paris, 1839-52, vi. 285.

<sup>35</sup> Régnier, *Les fortunes*, pp. 7, 11, 56-7, 127.

<sup>36</sup> *Ibid.*, p. 13.

*Pendre ou noyer  
Le fait l'argent  
Le prisonnier  
Qui n'a argent.*

That such a nobleman as Régnier, who held the prestigious office of 'bailli' of Auxerre, expressed his deep concern about the terrible fate of the prisoners who were bankrupt is quite revealing.<sup>37</sup> Even higher-ranking soldiers were apparently not automatically safe. How many prisoners died as a result of their insolvency? The sources do not provide a full picture of this issue, but there are some strong indicators.<sup>38</sup> The register of the *Miracles of Sainte-Catherine-de-Fierbois* gives a good insight into this issue. Numerous pilgrims who came to witness the miraculous intervention of Saint Catherine at Fierbois were French prisoners who escaped their English prisons. The lives of many of them were threatened as a result of their insolvency. Mérigon de La Chapelle, for example, claimed to have been captured by the English and imprisoned at Rouen in 1440. He was held captive for five years, because he could not afford his £110 ransom (500 golden crowns).<sup>39</sup> He ultimately managed to escape. The testimonies of these prisoners who managed to escape their prison suggest that many others less fortunate must have ended their days in captivity.

There is reason to believe that many captives must have lost their lives under torture by their captors. Different sources reveal all sorts of cruelty toward prisoners with the aim of squeezing out of them the biggest possible ransom.<sup>40</sup> Prisoners on whom pressure was exerted were kept in deep and narrow pits, hands and feet fettered.<sup>41</sup> They were fed on bread and water,<sup>42</sup> beaten, tortured or even mutilated.<sup>43</sup> A case brought before the Châtelet of Paris in June 1391 shows us that there was a regular torturer in the company of Robert Chesnel whose

<sup>37</sup> About his capture, captivity and ransom, see Bossuat, 'Les prisonniers de Beauvais', pp. 27-32.

<sup>38</sup> In a letter of remission, Perrot Amiot acknowledged his level of responsibility in the death of prisoners who could not afford their ransom. *Actes*, ii. 154-7, no. 199 (1431, July 22).

<sup>39</sup> *Livre des Miracles*, p. 100, no. 163 (1445, September). See also the examples of Baudet l'Allemand, Jean Remonnet and Olivier du Vergier. *Ibid.*, pp. 41-2, no. 87 (1421, January 6); p. 77, no. 124 (1438, November 4), p. 83, no. 134 (1443, May 11).

<sup>40</sup> Some witnesses of the miraculous intervention of Charles de Blois and Sainte-Catherine give much detail about their conditions of captivity. J.-C. Cassard, 'Regards sur la violence', in J.-Y. Carlier (ed.), *Violence et société en Bretagne et dans les pays celtiques*, Brest, 2000, 105-33; reprint in his *La Guerre de Succession de Bretagne*, Spézet, 2006, 131-57, at pp. 42-4; Bériac-Lainé, 'Les prisonniers en Europe', p. 119.

<sup>41</sup> For example, *R.D.P.*, iv. 157, n. 1; *Monuments du procès de canonisation du Bienheureux Charles de Blois, duc de Bretagne, 1320-1364*, F. Plaine (ed.), Saint-Brieuc, 1921, pp. 238-41, 89 (1369); *R.D.P.*, iv. 113, no. 514 (1372, June 9); *Actes*, ii. 149-53; BN, PO 970, Danié, 2 (1425, December 29); *Livre des Miracles*, p. 48, no. 94 (1421), pp. 72-3, no. 118 (1437, May 23).

<sup>42</sup> *Livre des Miracles*, pp. 43-4, no. 89 (1421, July 18).

<sup>43</sup> Torture is very common in the sources. The following sources bear witness to particular forms of torture. Monstrelet, *Chronique*, v. 103; AN, X1a 9198, fol. 265vo; ADN, B 1897, fol. 103rv (1414, April, 17).

job, as he admitted to the judges, 'had been to beat prisoners "until they could stand no more", so as to encourage them to promise the largest possible sums.'<sup>44</sup> It is important to note here that these tortures were not solely administered to lesser combatants but also to higher standing lords, as the case of the French knight Henri Gentian reveals.<sup>45</sup> He claimed in the Parlement of Paris in 1440 to have been captured by François de la Palud, lord of Varambon and to have suffered many humiliations and tortures. The list is long. Among other things, he had some teeth knocked out and his nose pierced (like a bull). He was regularly beaten, hanged by the feet and once put naked in a pit full of snakes. There is hardly any doubt that that kind of maltreatment sometimes led to the death of the captive.<sup>46</sup>

The excessive greed of the captors cost many lives of prisoners at the very moment of their capture too. Numerous English combatants were taken prisoner at the storming of the town of Jargeau, in 1429.<sup>47</sup> The French decided to take them to Orléans. However, the majority of them would never reach the city, as they were killed on their way during a row between rival claimants to their ownership. The English ordinances of war reveal how common these killings must have been, as they tried to remedy this situation in establishing that no one could threaten the life of a soldier's prisoner in order to obtain a part of the ransom.<sup>48</sup> If anyone killed a prisoner, he would be arrested until he had compensated the captor for his loss and paid a fine to the Constable.

Finally, personal motives may also have lain behind the execution of prisoners. It is rather striking to note in this respect that Herald Sicile recommended that the captive should not disclose his identity to his captor at the moment of his capture. The reason for this is that his captor may know his name and kill him on the spur of the moment.<sup>49</sup> Such impulsive behaviour most probably resulted from any problem or displeasure the prisoner once caused to his captors or somebody of his entourage. That the herald thought it necessary to include this piece of advice in his treatise points to the relatively high frequency of such killings. For instance, Pierre du Fons, a French soldier in the retinue of Regnault Guillem, brother of the

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<sup>44</sup> *Registre criminel du Chatelet de Paris du 6 septembre 1389 au 18 mai 1392*, H. Duplès-Agier (ed.), 2 vol., Paris, 1861-4, ii. 95; also quoted in Keen, *The laws of war*, p. 181.

<sup>45</sup> AN, X1a 4798, fol. 190rv (1440, April, 28).

<sup>46</sup> The hostage of Guillaume de Châteauvillain was *tellement traictié que tantost après trespasa*, as we learn in the pleas of a legal case. A. Bossuat, *Perrinet Gressart et François Surienne, agents de l'Angleterre*, Paris, 1936, p. 238, n. 2.

<sup>47</sup> Cousinot, *Chronique*, p. 302.

<sup>48</sup> *Black Book*, i. 455, 463.

<sup>49</sup> *Parties inédites de l'œuvre de Sicile*, i. 45 ; as cited in Adam-Eve, 'Les fonctions militaires', pp. 14-5.

well known La Hire, witnessed the execution of one of his companions *pour aulcune desplaisance que autrefois leur avoit fait* on the very day of their capture.<sup>50</sup> Unfortunately, we do not know the motives behind many other executions mentioned in the sources.<sup>51</sup> Political factors may have also played a significant part in killings on a larger scale in the particular context of Lancastrian Normandy in the first half in the fifteenth century, as I will argue in Chapter 2.

### *Retaliation*

The question of retaliation needs to be treated separately, as it did not solely cause casualties, but also acted as a regulator of the violence. The principle of retaliation – an eye for an eye – is well illustrated in the sources. A few examples follow. In 1417, Victor, Bastard of Croy, assaulted the home of one Laurent, a man in the company of the Bastard of Thien. Laurent was put to death and the valuables of all the other dwellers in his home were taken. By way of reprisal, the Bastard of Thien hanged a notable gentleman among his prisoners, called Gadifer Galehault.<sup>52</sup> In 1418, the French besiegers of Senlis beheaded four hostages because the garrison had allegedly broken the treaty of surrender. In retaliation, those of Senlis beheaded sixteen French captives.<sup>53</sup> The treaty of capitulation of the bridge of Meulan sealed in March 1423 stipulated the surrender without conditions for the French who participated in an ambush which took place earlier that year in January where the English prisoners were all executed.<sup>54</sup> Finally, in February 1426, a letter of pardon was granted to John Okeley, an English soldier in the garrison of Château-Gaillard, for the arrest and execution without any judgement of Arnaud Fetot. Three years before, the latter had been involved in the death of Thomas Breton, the lieutenant of the garrison of Château-Gaillard during an attempt to seize the place.<sup>55</sup>

How could the principle of retaliation act as a regulator of violence? To answer this question, it is necessary to come back to the case of Pierre du Fons. The French soldier, together with four other companions, was captured on 9 November 1429 by some English of Alençon, who took them to their garrison. On the very first day of captivity, as mentioned

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<sup>50</sup> *Livre des Miracles*, pp. 63-5, no. 108 (1430, July 14).

<sup>51</sup> See, for instance, *Monuments du procès*, pp. 432-3 (1369, May 24). See also, Monstrelet, *Chronique*, v. 76-7, 86-7, 90.

<sup>52</sup> Monstrelet, *Chronique*, iii. 180.

<sup>53</sup> *Ibid.*, iii. 248-9, vi. 248-50.

<sup>54</sup> *Ibid.*, iv. 134 and 138 sq.

<sup>55</sup> *Actes*, i. 294-6, no. 117 (1426, February).



earlier, one of the prisoners was beheaded for some displeasure that he caused to his captors. The following day, two other captives were hanged, without an apparent motive. Eight days later, Regnault Guillem, who heard of the summary executions of his men, threatened the English with taking his revenge on his own English captives. In response to these threats, the two remaining French captives were taken out of Alençon the next day in order to be hanged on the nearest tree. Du Fons's companion was hanged and died, but he himself miraculously survived four attempts at hanging and the captain of Alençon, William Oldhall, in the end, gave orders to spare his life.<sup>56</sup>

The news of these killings spread quickly enough to allow Guillem to try to stop the slaughter of his remaining men. His threats of retaliation did not, however, dissuade the English, who, in response, proceeded with the hangings of the remaining captives. If the fear of retaliation did not prevent the escalation of violence in that particular case, it is none the less significant that the French captain thought of it as a possible way to stop the executions. Gauvard showed in her study on crime in late medieval France that one murder inevitably called for another murder.<sup>57</sup> And we have seen indeed, through many examples, how this principle was deep-rooted in the mentalities of the combatants. It is clear that this scrupulous observance of the *lex talionis* - an eye for an eye - must have also contributed to keeping many a prisoner alive. For example, during the siege of Orléans, on 29 April 1429, the English, outraged by letters of Joan of Arc, kept in captivity the French heralds who had carried them, with the possible intention of killing them.<sup>58</sup> Hearing of this, Jean de Dunois, the Bastard of Orléans, sent his herald to demand that the English release the French heralds at once. The message was clear. If the English killed them, Dunois would order the execution of the English heralds who, at that time, were negotiating the release of English prisoners in Orléans. Eventually, French and English heralds came back safely to their respective sides. It is also interesting to note that the law of retaliation could have positive repercussions on the treatment of prisoners. Hugues de Châtillon, lord of Dampierre, detained in England in the beginning of the 1370s, asked his wife to treat well Simon Burley, an English prisoner in her

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<sup>56</sup> For other examples of retaliation, see Froissart, *Chroniques*, vii. 112, 194-5, viii. 182; *The Anonimale Chronicle, 1331-1381*, V. H. Galbraith (ed.), Manchester, 1927, p. 62; Monstrelet, *Chronique*, iii. 180, 248-9, 310; iv. 131, 134, 138; vi. 248-50.

<sup>57</sup> 'Le lien entre la vengeance et le crime dépend en fait étroitement du type de crime qui a été commis. Il est écrasant quand il s'agit de l'homicide puisqu'il atteint plus de 80% des cas.' C. Gauvard, « *De grace especial* ». *Crime, Etat et société en France à la fin du Moyen Age*, 2 vol., Paris, 1991, ii. 755-6, 758.

<sup>58</sup> Cousinot, *Chronique*, p. 285.

charge, so that he could himself benefit from better conditions of captivity and could hope to be exchanged with him.<sup>59</sup>

### *Some chivalric values*

There is no doubt that some chivalric values did contribute to the good treatment of prisoners of war within the knightly class. For instance, the duke of Alençon sent a messenger to the earl of Dorset, during an encounter near Harfleur in March 1416, to summon him to surrender. The content of the message, according to Thomas Walsingham, was the following: ‘You can see that you are trapped between us and the sea and that you have no room for escape left you. So to avoid being killed by the swords in our hands, surrender yourselves to me. You will be treated with all the honour that your noble birth demands and your ransom will be reasonable and not excessive.’<sup>60</sup> We learn in a case brought before the Parlement of Paris in the early 1430s that Louis Bournel, prisoner of the Duke of Burgundy, was properly accommodated *pour ce qu’ilz trouverent qu’il estoit chevalier et homme d’estat* (because they realised that he was a knight and a man of public standing).<sup>61</sup> He would be ‘graciously’ treated provided that he and his men behaved properly and that he followed the instructions of the king or the duke of Burgundy. In 1415, Guillaume des Ages saw an opportunity to make money out of the great expectations of his captive, the Lord of Menon, who asked for all the respect and consideration due to his rank.<sup>62</sup> He pleased his prisoner in every possible manner, but asked for a huge amount of money as the price for his custody. This was partly the reason why this case was debated in a law court. This last example is probably more about greed than chivalry.

The extent of these chivalric principles must not be overstressed. We have seen how the nobleman’s life was not necessarily spared and more examples could be quoted.<sup>63</sup> We have also seen how the French knight Henri Gentian had been very badly treated by his captor. It is true that this case ended before the Parlement of Paris. If it is not explicitly

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<sup>59</sup> Timbal, *La guerre de Cent Ans*, pp. 322-7 (1371, August 9).

<sup>60</sup> *The Chronica Maiora of Thomas Walsingham (1376-1422)*, D. Preest & J. G. Clark (ed.), Woodbridge, 2005, p. 414 (1416, March 4).

<sup>61</sup> AN, X1a 4797 fol. 300 (?).

<sup>62</sup> AN, X1a 4791, fol. 8v-9r (1415, December 2).

<sup>63</sup> I have quoted the example of Franquet d’Arras executed by Joan of Arc. Twenty gentlemen of the garrison of the castle Beaumont-sur-Oise were beheaded by the Burgundian contingent who stormed the place in 1418. *Livre des Miracles*, p. 46-7, no. 92 (1418). In 1447, Richard Holland, the captain of Tombelaine, and his company, were slaughtered by the captain of Mont-Saint-Michel. *Chronique du Mont-Saint-Michel (1348-1468)*, S. Luce (ed.), 2 vol., Paris, 1879-83, ii. 208. See also Monstrelet, *Chronique*, v. 86-7, 90 ; Cuvelier, *Chronique*, p. 207.

mentioned in Gentian's plea, there is reason to believe that the principle of the law of arms according to which prisoners should be well treated is at the core of the supplicant's argument. Yet a significant remark needs to be made. His captor, the lord of Varambon, humiliated and tortured the French knight in public. Some people showed their disapproval, as in Châlon where *l'évesque et gens de bien remontrèrent au defendeur* and where some townsmen pitied the prisoner who was forced to beg for his ransom.<sup>64</sup> However, nobody interfered to stop the torturer. The treatment of prisoners, even in this later stage of the war, seems to have been perceived as a very private issue between the captor and his captive. Had Gentian died during one of his beatings, this case would probably never have been brought before any court of justice.

The depiction of this particularly violent and bloody portrait of the Hundred Years War shows the weakness of the theory of a prevalent and well observed law of arms. All captives, nobles included, could not be sure of being well treated or even of surviving their capture. This point however needs to be put in context. It is not my intention here to say that death was the usual fate of prisoners. The sources do not authorise making such an assumption. The extent of the killings will probably remain something totally unknown to the historian. On the other hand, as we will see, there is so much evidence of prisoners who survived their capture. That means that some factors acted as a brake on violence beside any chivalric principle or the law of arms. I see two such factors. Without any doubt, soldiery's greed is one of them – the fear of losing the prisoner's ransom should he die. But we have seen how this factor is double-edged. The second factor was the fear of retaliation.

### III. Private agreements

The legal world of the soldier was however not strictly limited to these two brutal principles. In a survey article on the laws of war in the age of chivalry, Robert Stacey pointed out the individuality of the soldier and the prominence of contractual agreements in military society.<sup>65</sup> This was certainly true concerning the ransoming process. The law of contract based on private agreements, which, at that time, was fully recognised in any court of law,<sup>66</sup>

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<sup>64</sup> AN, X1a 4798, fol. 190vo (1440, April 28).

<sup>65</sup> R. C. Stacey, 'The Age of Chivalry', in *The Laws of War. Constraints on Warfare in the Western World*, in M. Howard, G. J. Andreopoulos & M. R. Shulman (ed.), New Haven and London, 1994, 27-39, at pp. 31-32.

<sup>66</sup> About the development of the law of contracts in the thirteenth century and its widespread use in the fourteenth and fifteenth centuries, see D. J. Ibbetson, *A Historical Introduction to the Law of Obligations*, Oxford, 1999, pp. 11-87.

seems to have channelled this process, as a letter of attorney issued in 1434 by the departing captain of Essay, Robert Harding, suggests:<sup>67</sup>

To the above mentioned attorneys, Harding gave authority to *contract* with his prisoners of war detained in Essay; to negotiate with them the amount of their ransom and to give them time to pay it; to take *letters of obligation* and once the time has come to pay, to summon those who gave these letters, as is accustomed, according to the *usage of war*; and once the ransoms are paid, to provide good and sufficient *quittances* to whom they belonged. [*Italics are mine*]

The significance of the contractual agreements in the process of ransoming, as described by Harding is striking. Firstly, the attorneys would negotiate the amount of the ransom and the terms of payment with the prisoners. This would give rise to a contract. Secondly, once the latter was negotiated and sealed, Harding's attorneys would take sealed letters, or, in other words, they would get letters of obligation from a third party, acting as pledges in case the prisoner defaulted. The captive was then released on parole under the protection of a safe-conduct, raised the money for his ransom and came back on time to discharge his debt. When matters went smoothly and the prisoner managed to pay his ransom (possibly in due time), he would receive 'good quittances' from the captor as evidence of the fulfilment of his obligation. Such was the custom of war (*usance de guerre*) the captain specified at the end of his instructions.

### *The legal channels to private negotiations*

Beyond their rather formulaic lay-out, these records which were issued at various stages of the ransom business – whether they were contracts of ransom, letters of obligation or safe-conducts – all of them, through the diversity of their terms, give an insight into the private negotiations from which they resulted.

There is no model contract of ransom which, in my mind, could possibly embrace the great variety of the terms of ransom and release of the prisoners. For example, payments of huge ransoms were divided into several instalments spread over months or years, while smaller amount of money were expected to be paid in one lump sum.<sup>68</sup> Some prisoners paid a

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<sup>67</sup> BN, Ms Fr 26058, no. 2352 (1434, September 17).

<sup>68</sup> For payments divided into several instalments see, for example, the letter of indenture between Bertrand Du Guesclin and John Hastings, count of Pembroke (1375, March 18) or that of Edward III and Waléran de

part or the whole ransom in captivity.<sup>69</sup> Others were released on parole. Ransom was not necessarily a money-payment; a captive may regain his freedom through the delivery of goods.<sup>70</sup> (There most probably lies the nuance between ‘finance’ and ‘ransom’ in medieval vocabulary, the former term referring exclusively to money payment.) Ransom agreement may also include the release of another prisoner, the surrender of obligations contracted by another captive or the evacuation of a place.<sup>71</sup> Finally, some prisoners promised not to fight against their captors again and, sometimes, they even agreed to serve them.<sup>72</sup>

The third party which provided a pledge for the prisoner also negotiated his involvement in this business when he wrote his letter of obligation, taking care to protect his rights and possibly those of the prisoner. This clearly appears in the letter of John Beaufort, duke of Somerset, who pledged the release on parole of John Handford. In this document, in brief, the duke of Somerset promised to Pierre Jaillet, captain of Meulan, that, if the latter released on parole his prisoner provided with *bon, seur et loyal* safe-conducts, valid four months, in order to raise the money for his ransom from his friends and relatives, he would either pay £910 (4,135 golden crowns) to Jaillet, the amount of the ransom and expenses of custody of Handford, or bring back the body of the English knight, dead or alive, at the end of the allotted time.<sup>73</sup> As a further caution, it was also specified in Somerset’s letter that Handford would provide more hostages to Jaillet and that these hostages would be kept in captivity in the prisoner’s place during the time of his release on parole. Each hostage was expected to pay two golden crowns per week (£0.44) for their maintenance. These letters of obligation were carefully preserved by the master of the prisoner and would be surrendered to the pledge or destroyed once the ransom was paid.<sup>74</sup>

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Luxembourg, count of Saint-Pol (1376, July 17). *Letters, orders and musters of Bertrand du Guesclin, 1357-1380*, M. Jones (ed.), Woodbridge, 2004, pp. 236-7, no. 633; TNA, E 30/1686.

<sup>69</sup> See above, p. 112.

<sup>70</sup> For example, Robert de Raveton was bound to provide his captor with 6 pipes of wine as ransom. Timbal, *La guerre de Cents Ans*, pp. 362-3 (1371, September 13). So many other ransoms were paid part in cash and part in goods.

<sup>71</sup> For the release of another prisoner or the surrender of obligations, see above, pp. 111-19. About the evacuation of places, see above, pp. 65-6.

<sup>72</sup> See, for instance, S. Luce, *Jeanne d’Arc à Domremy. Recherches critiques sur les origines de la mission de la pucelle*, Paris, pp. 301-5 (1419, November 25). See also TNA, C 47/6/5 (1394); P. Tucoc-Chala, *Gaston Phébus et la vicomté de Béarn, 1342-1391*, Bordeaux, 1960, p. 290. Finally, see below, pp. 56, n. 46, 64 and 151.

<sup>73</sup> In some cases, the pledge committed to replace the prisoner in prison if he too failed in his obligation to pay. See, for instance, AN, X1a 4797, fol. 215ro-216ro (1434, December 22).

<sup>74</sup> The fact that some letters of obligation contracted by Jean du Bu and Jean des Prés on 1 March 1435 for a sum of 500 crowns lent by Perrinet Gressart and François l’Aragonais were found in the archives of the castle of Chassy, owned by Gressart, suggests that the two companions never paid their debt. Bossuat, *Perrinet*, p. 235, n.3.

Hostages themselves could also seal a contract of obligation with the master of the prisoner they replaced in prison. For instance, the obligations of four knights and esquires who committed themselves with Antoine de Vaudémont to replace his prisoner, Guillaume de Dammartin, have survived.<sup>75</sup> The hostages were bound to come to the castle of Vaudémont on 10 May 1438, where they would remain prisoners until Dammartin came back. They promised not to try and obtain any licence or document from René d'Anjou or his deputies which would liberate them from their prison. Interestingly, they also agreed in this obligation not to raise any argument based on the law of arms or on any other law which would contradict their promise to be hostage for the release on parole of Dammartin.

Although it is not mentioned in Harding's letter to his attorneys, the delivery of safe-conducts turns out to be indispensable in many ransom cases, as they allowed the prisoner or one of his servants to travel through enemy territories in order to contact friends and relatives, raise the money for the ransom and pay the master.<sup>76</sup> This issue of communication will be fully explored in Chapter 6. For the present purpose, I want to highlight the contractual agreement underlying safe-conducts. On one side, as a general rule, the prisoner promised not to bear arms while in enemy territory and, when it was specified, to follow the itinerary which was imposed on him in his safe-conduct. On the other side, the captor or the person under whose seal the document had been given guaranteed a safe journey through his territory during a definite period of time. This period of validity of the safe conduct varied widely and supposedly depended on the purpose of the travel. For instance, it was agreed between Pierre Gauntier and his master, John Wylde, *juxta concordiam inter eos habitam* ('according to the agreement having been made between them'), that the former would be allowed to go to France in quest of his ransom and to come back to England within two months with the money for his ransom. These details are included in the safe-conduct issued to Gauntier by the English crown, in July 1418.<sup>77</sup> Another safe-conduct delivered to the Genoese knight John Gentyll, in January 1420, authorised him to go to his country to raise his ransom and to come back with the money to Calais.<sup>78</sup> Not surprisingly, the captive who needed the support of a

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<sup>75</sup> BN, Coll. Lorraine, 257, no. 37-40 (1438, May 3).

<sup>76</sup> See, for instance, the ransom case of Jean de Vendôme, vidame of Chartres, above, pp. 124-6.

<sup>77</sup> TNA, C 76/101, m. 7 (1418, July 5).

<sup>78</sup> The safe-conduct was issued on 23 January 1420 (TNA, C 76/102, m. 5). It followed a petition which was addressed to the chancellor of England by Gentyll's master, John Kilyngham, citizen of London. TNA, SC 8/156/7797.

third party, outside the circle of his close relatives, to help raise or pay his ransom would be involved in further negotiations which would lead to the sealing of another contract.<sup>79</sup>

### *The prevalence of the law of contracts*

According to Harding's letter, these contractual agreements were an integral part of the usages of war in the 1430s. Should we take his testimony at face value? We have seen that the English captain did not mention the delivery of safe-conducts, although we know that the use of these documents was widespread at that time. It may be the case that the custom of war he referred to was relatively specific to a particular context, region or social stratum. Before reaching that conclusion, I will briefly investigate how far-reaching and deep-rooted was the law of contracts in the habits of the late-medieval combatant (insofar as ransoms are concerned).

At the top of the hierarchy, princes probably issued the most formal and sophisticated contracts of ransoms involving illustrious captives such as Charles de Blois (1356), John II the Good, King of France (1360), Jean de Grailly, Captal of Buch (1364) or Louis de Bourbon, count of Vendôme (1417). Keen's description of the typical contract of ransom is based on their examples.<sup>80</sup> If the agreements were undoubtedly less formal at lower levels of the hierarchy, the prince used nevertheless similar legal channels when dealing with lesser prisoners in the hands of the enemy.<sup>81</sup> More surprisingly, it was also through contracts that the prince transacted with his own soldiers for the purchase of their prisoners. The context of these acquisitions will be further discussed in Chapter 3 where I will investigate the nature and extent of the crown's interference in the ransom business. It is however interesting to note here how much credit princes granted to these contracts of obligation. The precautions taken by Philip the Good in the agreement he reached with three of his esquires for the purchase of the son of Jean de Rodemack is, in this respect, particularly illuminating.<sup>82</sup> The Rodemacks, father and son, were taken prisoner at the battle of Bulgnéville, in 1431. The younger Rodemack was captured on the battlefield by Pierre Rivet, a valet of arms, who handed over his captive to his master, a Burgundian esquire called Guillaume Resc. The latter together with two associates sold their captive to the duke and agreed with him to obtain the approval

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<sup>79</sup> See above, p. 133. The custody of the prisoner may also give rise to a contract with the guardian, see above, p. 98.

<sup>80</sup> Keen, *The laws of war*, pp. 167-8.

<sup>81</sup> See, for instance, BN, PO 1363, Goth, 16 (1431, June 21).

<sup>82</sup> B. Schnerb, *Bulgnéville (1431). L'État bourguignon prend pied en Lorraine*, Paris, 1993, pp. 99-100.

of the valet who did not take part in the negotiations. Beside this precaution, the quittance surrendered by the three esquires included a safety clause which protected the duke against anyone who claimed the ownership of the captive.

There is very little doubt that the law of contracts had also been fully assimilated into the habits of higher-ranking soldiers. The ransom case of Olivier de Coëtivy, lord of Taillebourg and Seneschal of Guyenne, captured at Bordeaux in October 1452, reveals the particularly heavy reliance on written contracts at the very end of the Hundred Years War. Marchegay has published an important corpus of sources relating to his ransom.<sup>83</sup> I would like to draw attention to three specific documents:

1. An agreement between Coëtivy and his master John Talbot on 15 May 1454 stipulated that Coëtivy would be quit of any promise he gave to any English soldier since his capture until the day of this agreement, if he quits any promise that has been given to him.<sup>84</sup>
2. Some letters of obligation signed and sealed by the prisoner and his brother on 29 June 1454 ensured several pledges that their letters of obligation which they had sent to Talbot for the release of Coëtivy would be given back to them.<sup>85</sup>
3. A certificate made before an apostolic and imperial notary testified that Guillaume Braquemont, Coëtivy's attorney, delivered the said letters of obligation for the release of Coëtivy to Talbot's herald on 26 September 1454.<sup>86</sup>

These documents show that every single transaction and step taken in this ransom business – even the mere acknowledgement of the cession of letters of obligation from one person to another – was the subject of a written contract or certification at that time and at this high level of the hierarchy.

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<sup>83</sup> P. Marchegay, 'La rançon d'Olivier de Coëtivy, seigneur de Taillebourg et sénéchal de Guyenne, 1451-1477', *B.E.C.*, 38 (1877), 5-48.

<sup>84</sup> *Ibid.*, pp. 14-6.

<sup>85</sup> *Ibid.* pp. 17-8. In a similar vein, on 26 September 1427, Jean, duke of Alençon, prisoner of the English, sealed a contract with the people who constituted themselves hostages for the payment of Alençon's ransom. *Rouen au temps de Jeanne d'Arc et pendant l'occupation anglaise (1419-1449)*, P. le Cacheux (ed.), Rouen & Paris, 1931, pp. 127-30, no. 56.

<sup>86</sup> Marchegay, 'La rançon d'Olivier de Coëtivy', pp. 18-21.



At a lower level, it is interesting to note the surviving quittance of Jean Seigneur, of the English garrison of Avranches, acknowledging the receipt of 120 golden crowns and *les marcs* for the ransom of Robin de la Bovesserie, his prisoner.<sup>87</sup> This very detailed document was certified by the court of Dol on 14 October 1427. We learn through it that the lord Beaufort had given a letter of obligation for the said ransom, which Seigneur certified that he had destroyed. Without any doubt, this case was governed by the law of contract. Going lower down the social hierarchy, the sources are less easily interpretable. The surviving accounts of Norman garrisons in the first half of the fifteenth century give a rare insight into the ransoming of commoners. (The average ransom of the prisoners included in these records barely amounted to 28.8 crowns or £6.36, according to P. Contamine.)<sup>88</sup> Not surprisingly, these sources do not usually make reference to contracts of ransom or letters of obligation. Indeed their purpose was mainly to record the profits made by the soldiers from ransom and booty. However, there is one noticeable mention in an account drawn in 1431 of a prisoner called François de Foligny *lequel fu raenconné a 300 salus* [£66] *et delivré par ung seelles lequel seelle n'est point aquité ne riens n'en a esté paié.*<sup>89</sup> The fact that this exceptional reference concerns the most lucrative prisoner that I came across in these accounts might suggest that such release on parole of a prisoner through the deposit of letters of obligation did mainly apply to the 'less humble' of these prisoners. With regards to the very bottom of the social ladder, I can only highlight two opposite cases. Hamard Javal, who was captured on 9 March 1430 and released for £13 (60 crowns) on the very same date, went through an expeditious way of ransoming, which probably left no time for the production of any legal document.<sup>90</sup> On the contrary, a legal case brought before the Parlement of Paris in 1447 shows that two French soldiers, whose ransoms were together worth £13.2 (60 crowns), were released thanks to a Jacquot du Vergier who handed letters of obligation for the payment of their ransom to a rich English merchant.<sup>91</sup> In any case, it would certainly be hasty to try drawing any conclusions from these few observations.

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<sup>87</sup> BL, Add Ch 11581 (1427, October 14). About 'Les marz', see above, pp. 103-5.

<sup>88</sup> Contamine's calculations are based on 260 ransoms of prisoners taken between 1424 and 1444. Contamine, 'Rançons et butins', p. 260.

<sup>89</sup> Account of the garrison of Arques ending on 1 January 1431. BN, MS FR 25770, no. 634.

<sup>90</sup> BN, Ms Fr 25769, no. 580, bis (1430, January-March).

<sup>91</sup> AN, X1a 4801, fol. 289vo (1447, June 12).

The purpose of this chapter was to explore the rules which governed the practice of ransoming and, more generally, the issue of prisoners of war. I hope to have demonstrated that, in this matter, the prevalence given to the law of arms by such scholars as Keen or Wright is not entirely justified. The reality was more complex. The body of military customs which formed the law of arms and the royal ordinances of war governed efficiently the matters relating exclusively to the captors, such as the division of the spoils of war and the settlement of disputes among rival claimants to the capture of a prisoner or the latter's ransom. It is easily conceivable that the superiors of the captor and his companion-in-arms were there to make sure that the rules were observed. Some principles of the law of arms did concern the good treatment of prisoners, but their implementation, as we have seen, was in large part down to the captor's willingness to observe them. The prospect of money, the fear of reprisals and possibly some chivalric values must have contributed to saving many prisoners' lives. One must acknowledge, however, the fact that we will never know the extent of executions of prisoners which took place during the Hundred Years War.

The contracts sealed between the captor and his prisoner probably carried more weight than any military custom before a court of justice and, more importantly, in the soldiers' minds too.<sup>92</sup> Even if the law of arms, as we have seen, guaranteed the good treatment of prisoners, it is indeed significant to see that some captives did feel the need to include a clause relating to the condition of captivity in their contract.<sup>93</sup> Similarly, we have also seen how the law of arms was bypassed by the obligation sealed by the hostages of Guillaume de Dammartin. If there was a prevailing code of law at that period which governed the ransom business, it would certainly be that of contractual agreements, which fixed the rights and duties of the prisoners, the captors and any other individual involved in the ransoming process. From this perspective, it is not surprising to see many cases brought before the Parlement of Paris based on the claim that the contract was obtained by force.<sup>94</sup> Such

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<sup>92</sup> About the application of the principles of the law of arms in court, Bossuat argued that 'les parties invoquaient des usages de guerre assez mal définis et les juges avaient bien du mal à adapter les règles juridiques aux habitudes des gens de guerre, sorte de droit des gens dont il fallait bien tenir compte'. Bossuat, 'Châteauvillain', 23-4.

<sup>93</sup> The Count of Foix promised that he would not 'martyr' the bodies of his two captives, Bernard d'Albret and his brother after Launac (1364). Keen, *The laws of war*, pp. 168-9. It was stipulated in a letter of obligation that Pierre Saulnier would stand as hostage for Jean Péguillot *en taverne ouverte*. Luce, *Jeanne d'Arc*, pp. 316-7 (1421, December 30). It was claimed in a legal case before the Parlement of Paris in 1426 that the hostages of the Bastard of La Baume, *par traictié, ne devoient point estre enferrez*. *English Suits before the Parlement of Paris, 1420-1436*, C.T. Allmand & C.A.J. Armstrong (ed.), London, 1982, p. 150.

<sup>94</sup> 'This was a very common objection to claims for ransom.' Keen, *The laws of war*, p. 180.

arguments bring to light the great legal vacuum left by this law of contract, which constitutes at the same time a main feature of this individual and private world.

## Chapter 2

# *Prisoners of war and criminals: Status and politics in Lancastrian Normandy*

The question of brigandage in Lancastrian Normandy has already been the object of intense investigation. It is not my intention here to take part in the never-ending debate around the true nature of the Norman brigand, whether he was a heroic resistant or a vulgar criminal.<sup>1</sup> As a recent French scholar put it, anyone who wants to distinguish the resistant from the bandit would need to know exactly the motivations behind the behaviour of the brigands. It is not enough to say that brigands targeted English officers (whether this was true or not), but to know why they did so.<sup>2</sup> Not surprisingly however, the available sources do not allow the exploration of the psychology of the brigand. My interest in the Norman brigand thus lies elsewhere, in his distinction from the Norman soldier. As we will see, this particular issue raises broader questions about the status of prisoners of war in the late Middle Ages. Traditionally, the brigand is described as a member of the peasant community driven to the woods by socio-economic difficulties leading the life of a criminal. This portrait, already drawn by some contemporary chroniclers, matches the conclusions of a recent study.<sup>3</sup> However, it must be noted that this study was essentially based on the testimony of the letters of remission, which need to be handled very carefully.<sup>4</sup>

The line which separates these brigands from the soldiers is clearly marked out in terms of their treatment by the English: once a Frenchman had fallen into the hands of the English and been charged as a brigand, he was almost inevitably sentenced to death. On the other hand, the life of the French soldier taken prisoner was expected to be spared and the captive could

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<sup>1</sup> For a concise summary of this debate, see C.T. Allmand, *Lancastrian Normandy, 1415-1450: The History of a Medieval Occupation*, Oxford, 1983, pp. 230-1.

<sup>2</sup> V. Challet, 'Tuchins et brigands des bois : communautés paysannes et mouvements d'autodéfense en Normandie pendant la guerre de Cent Ans', in C. Bougy & S. Poirey (ed.), *Images de la contestation du pouvoir dans le monde normand (Xe-XVIIIe siècles). Actes du colloque de Cerisy-la-Salle (29 septembre – 3 octobre 2004)*, Caen, 2007, 135-46, at p. 144.

<sup>3</sup> Thomas Basin, *Histoire de Charles VII*, C. Samaran (ed.), 2 vol., Paris, 1933, i. 107 ; *Journal d'un bourgeois de Paris, 1405-1449*, A. Tuetey (ed.), Paris, 1881, p. 12; Saint-Denis, *Chronique*, iv. 402-4.

<sup>4</sup> M. R. Evans, 'Brigandage and Resistance in Lancastrian Normandy: A Study of the Remission Evidence', *Reading Medieval Studies*, 18 (1992), 103-34.

anticipate that he would regain his freedom. But how did contemporaries differentiate the brigand from the soldier before any treatment was handed out? In contrast to my predecessors, I will argue that the line of demarcation between the brigand and the soldier was extremely thin and easily ignored by the English authorities.<sup>5</sup> The first two parts of this chapter will be devoted to this task. In the first part, I will investigate the common ground shared between the two worlds of the soldier and the brigand, while, in the second, I will attempt to show how blurred the distinction was between brigands and soldiers for contemporaries. In fact, as we will see, brigandage turns out to be a charge of indictment hanging over the head of every captive rather than over a clearly identified individual. In the third part, I will examine the English government's involvement in this issue. Was there an English political line of conduct toward Norman captives in Normandy and the *pays de conquête*? Finally, I will put these observations in the wider context of the Hundred Years War and the history of ransoms in order to come to a better understanding of the status of prisoners of war at the end of the Middle Ages.

## I. Soldiers and brigands: two interconnected worlds

The first observations will be etymological. A significant shift in meaning concerning the words *brigand*, *pillar* and *saqueman* took place concurrently towards the end of the fourteenth and the beginning of the fifteenth century.<sup>6</sup> The three terms initially referred to common soldiers in the fourteenth century. The brigand was then a foot-soldier whose characteristic personal armour was the metal waistcoat, called *brigandine*. In the same period, the *pillar* designated a common soldier in the knight's retinue in France and the *saqueman* was his Italian homologue. Very quickly, all three categories of soldiers were associated with their continual misconduct toward civilians and gave their name to their crimes: brigand and brigandage (coming from *brigand*), pillager and pillaging (coming from *pillar*) and sack or

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<sup>5</sup> It is indeed widely acknowledged that, in the words of Benedicta Rowe, 'the distinction between open enemies and rebellious subjects, between prisoners-of-war and brigands, was well understood both by the soldiers and the people'. This idea, built upon a couple of documents which will be further investigated later on, has not been questioned in the most recent studies. B. J. H. Rowe, 'John Duke of Bedford and the Norman "Brigands"', *E.H.R.*, 47 (1932), 583-600, at p. 594; D. Goulay, 'La résistance à l'occupant anglais en Haute-Normandie (1435-1444)', *Annales de Normandie*, 36 (1986), 37-55, 91-104, at p. 52; Evans, 'Brigandage', p. 105; V. Challet, 'Tuchins et brigands des bois', p. 143.

<sup>6</sup> About the etymology of brigand and pillager, see F. Godefroy, *Dictionnaire de l'ancienne langue française et de tous ses dialectes du IX<sup>e</sup> au XV<sup>e</sup> siècles*, 10 vol., Paris, 1881-1902, i. 733, x. 338-9; Rowe, 'John Duke of Bedford', p. 585; R. Jouet, *La résistance à l'occupation anglaise en Basse-Normandie (1418-1450)*, Caen, 1969, p. 18; N.A.R. Wright, "'Pillagers" and "brigands" in the Hundred Years War', *Journal of Medieval History*, 9 (1983), 15-24, at pp. 17-9. Concerning *saquemans*, see W. von Wartburg, *Französisches Etymologisches Wörterbuch*, 25 vol., Basel, 1928-70, xvii. 7-8.

ransack (coming from *sauqueman*). However, the terms still identified the soldiers into the fifteenth century. Philippe Contamine remarks, for instance, that the military unit which formed the lance in Lombardy in 1422 included one man-at-arms, one page and one varlet or sauqueman with horses.<sup>7</sup> More importantly, we also find these sauquemans in the service of the French king in 1426.<sup>8</sup> However, by that time, these three types of foot soldiers (the brigand, the pillar and the sauqueman) had already been clearly associated more generally with widespread criminal activities irrespective of the perpetrator. As a result, the three terms would more commonly be used to name individuals who devoted themselves to pillaging, murdering and robbery. Beyond its testimony to the ravages of the war and the general indiscipline of the soldiery in the Hundred Years War, this shift in meaning in the first half of the fifteenth century also shows how close the two worlds of the soldier and the brigand were.

There are no specific attributes of the brigands or perhaps it would be clearer to say that brigands and soldiers shared similar attributes. Brigands were very often associated with the woods, whence they perpetrated their infamous activities. There is however no need to demonstrate that soldiers very often operated in the woods as well.<sup>9</sup> Rather than an attribute of the brigands, the woods are, in fact, an attribute of guerrilla warfare. The organisation of bands of brigands, which were composed of some twenty members, united by an oath of allegiance given to a captain and sharing out the spoils of war, was also very similar to the soldiers' 'compagnies d'aventures', as described by Philippe Contamine.<sup>10</sup> According to Vincent Challet, it is the contact with the soldiers which is likely to have influenced the behaviour of those non-combatants, victims of their depredations. In his opinion, they modelled their organisation in bands on the soldier's companies in order to fight against them.<sup>11</sup> Against this laborious theory, one might simply explain this parallel in the organisation of the bands by the fact that soldiers and brigands did mix. And there is clear evidence of this. Several letters of remission unveil close links between a band of brigands

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<sup>7</sup> Contamine, *Guerre, État*, pp. 244-5.

<sup>8</sup> On 27 July 1426, receipt for the wages of 100 sauquemans, who served the king of France during four months *en ses guerres es marches de France*. BN, Coll. Clairambault, 136, no. 5. See also BN, PO 1516, Hermentier, 2 (1426, February 18), PO 20, Albret, no. 3 (1426, August).

<sup>9</sup> Olivier du Guesclin, for instance, was spotted and captured in the woods near Cherbourg. Given-Wilson, 'The ransom of Olivier du Guesclin', p. 18. Several letters of remission mentioned French garrisons operating in the Norman woods. *Actes*, i. 116-7, 130. The English government itself enjoined its Norman subjects to hide and set ambushes to the French army which threatened to raid on the Cotentin in 1436. *Chronique du Mont-St-Michel*, ii. 77-8, no. 182 (1436, March 28).

<sup>10</sup> P. Contamine, 'Les compagnies d'aventure en France pendant la guerre de Cent Ans', *Mélanges de l'Ecole française de Rome. Moyen Age, Temps modernes*, 87 (1975), 365-96; reprint in his *La France au XIVe et XVe siècles. Hommes, mentalités, guerre et paix*, Londres, 1981, VII.

<sup>11</sup> Challet, 'Tuchins', p. 143.

and the French garrison of Ivry in 1423 and 1424.<sup>12</sup> Another letter shows Guillaume de Brévédent, a well-known captain of brigands, interacting with the French garrison of Le Mans around the same period.<sup>13</sup>

The story of the notorious captain of brigands, Guillaume Hallé, goes even further than witnessing the interpenetration of the two worlds of brigands and soldiers, as it literally breaks the social barrier which separates them.<sup>14</sup> Hallé, who was initially a member of the French garrison of Nogent-le-Rotrou, was captured on a foray in the mid 1420s. He had ransomed himself in the normal way, but instead of going back to Nogent, had chosen to return to his native district around the woods of Bec-Hellouin, where he joined his friends, other members of the garrison of Nogent. Together, they formed the nucleus of a notorious troop of brigands. In Rowe's interpretation, this shift from soldiers to brigands was a one-way move. There is however no firm evidence that Hallé totally severed his links with his initial garrison. The worlds of the non-combatant, the brigand and the soldier were likely to have been much more permeable than has been previously suggested. If one single example should be quoted here it is that of Robin Desloges. Initially a labourer at Goderville, he successively became a brigand, then a soldier in the garrison of Ivry and ultimately returned to his work as a labourer, according to his letter of remission.<sup>15</sup> Also, there is plenty of evidence of non-combatants who joined the French garrisons or the brigands.<sup>16</sup>

## II. The charge of brigandage

The distinction between soldiers and brigands was not obvious for contemporaries as the following case will show. We learn through a declaration made by John Stille, an English esquire at the assize of Carentan in April 1428 that, at the request of some English men-at-arms, Stille had agreed to keep in custody their French prisoner, called Guillaume Leheux.<sup>17</sup> The latter remained five weeks and five days in detention, until he was accused of being a

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<sup>12</sup> AN, JJ 173, no. 50; as cited in G. Lefèvre-Pontalis, 'Episodes de l'invasion anglaise. La guerre de partisans dans la Haute Normandie (1424-1429)', 54 (1893), 475-521 ; 55 (1894), 259-305 ; 56 (1895), 433-508, 97 (1936), 102-30 ; here, 55 (1894), at p. 293 n. 2 (1424, November).

<sup>13</sup> *Actes*, i. 347, no. 135 (1426, May 24).

<sup>14</sup> *Ibid.*, i. 56-7, 120-2, no. 51 (1424, October), 185; Rowe, 'John Duke Bedford', pp. 589-90.

<sup>15</sup> AN, JJ 173, no. 218 (1423, August) ; as cited in Lefèvre-Pontalis, 'Episodes', 55 (1894), pp. 292-3 ; Jouet, *La résistance*, p. 181.

<sup>16</sup> See for instance, *Actes*, i. 116-7, no. 49, 130; ii. 154-7 (no. 199) and also N.A.R. Wright, *Knights and Peasants. The Hundred Years War in the French Countryside*, Woodbridge, 1998, pp. 72-3, 80-1; Evans, 'Brigandage', p. 112.

<sup>17</sup> BL, Add Ch 3622 (1428, April 24).

brigand by some other brigands who were examined by some English officers. The Frenchman was ultimately found guilty and sentenced to be hanged as a criminal. As a result, Stille sought 5 l.t. (slightly less than £1) as compensation for the expenses he had incurred for the custody of Leheux. He swore, in his statement, that he had never suspected the prisoner to be a criminal, as the latter had never sworn allegiance to the English king (unlike numerous Norman subjects had previously done when Normandy fell into the hands of the English). The captive did not come therefore within the scope of the pitiless law of treason which indubitably entailed the beheading of the traitor. In addition, Stille points out that Leheux was captured while riding on a horse along with other soldiers, making him appear beyond suspicion.

The question is: how can we explain the five week and five day long confusion concerning the identity of the captive? Could it be a case of dishonesty? The motivation, in this event, could have been financial. The usual reward for the captor of a brigand who was handed over to justice amounted to £1 (6 l.t.). This sum is particularly small in comparison with the average ransom of prisoners mentioned in the counter-roll of the Norman garrisons, which was almost £7 (40 l.t.).<sup>18</sup> However, one must wonder, if we take this argument into consideration, whether a vulgar highway criminal had the means to afford such a ransom. Indeed, if Leheux was this brigand and *larron des bois*, it might have been more advantageous for the captors to draw an immediate but small profit of £1 from the English administration than to put their prisoner to a ransom that he would never be able to pay.

At any rate, I do not think that we should see any dishonesty in the behaviour of the captors and the keeper of Leheux. The fact that the bailli acceded to the request of Stille, who was paid on the very day of the assize, shows that the sincerity of the English esquire was not questioned and we can deduce from this that the English authorities believed that it was a genuine mistake. This is no surprise as there was no well-defined line between brigandage and soldiery. In fact, I believe that a soldier could also be a brigand in the eyes of the English government. This is, at least, what I will try to demonstrate. Leheux had been considered as a soldier for five weeks and enjoyed the ensuing rights of a prisoner of war. It is hardly believable that he was, all along, a brigand trying to hide his true identity, as previous scholars would imply in drawing this clear-cut line between soldiers and brigands. Much

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<sup>18</sup> Contamine, 'Rançons et butins', p. 260.



more plausible is the assumption that Leheux was indeed a French soldier who was riding with his comrades-in-arms at the moment of his capture. In this way, his subsequent incrimination by so-called brigands during his captivity probably referred to a criminal offence he had previously committed perhaps in the company of his incriminators. At any rate, in the eyes of the English government, this offence demoted him to the rank of brigand. Brigandage, in this interpretation, was a charge hanging over the head of every individual, including soldiers.

This is probably how the letter of the lieutenant of the *bailli* of Rouen issued very shortly afterwards, on 4 May 1428, should be understood.<sup>19</sup> Referring to some ordinances previously issued by the Three Estates of Caen, the lieutenant notes in this document that any individual who was found on watch in the woods or by the roads should be handed over to justice. They would ‘be examined as to know whether they were such that they should be punished or they should be reputed as men-at-arms. In the latter case, they would be given back to their masters’ (and thus could be expected to be ransomed, as was the custom with prisoners of war).<sup>20</sup> It is on this single piece of evidence that Jouet built his conviction that the English made a clear distinction between soldiers and brigands.<sup>21</sup> For the French historian, this document shows that it was enough for a Frenchman to say that he belonged to a French garrison to be considered as a soldier. Had this been the case, I think that the formulation of this letter would have been different and rather more straightforward.

The wording of the document deserves closer attention. In particular, the introduction of the concept of reputation – the text says ‘or they should be *reputed* as men-at-arms [Italic is mine]’ – is significant. Was it enough to be known as belonging to a French garrison to be ‘reputed’ as a soldier? Or did reputation also depend on the soldier’s behaviour? In other words, was that soldier captured in the wood and known by the locals for any criminal offence he had previously committed at risk of losing his status of soldier and being charged and executed as criminal? I believe that this concept of reputation leaves a large and deliberate margin of subjectivity in the judgement of French captives. The English government did not hesitate to sentence to death some French soldiers under guise of brigandage, as was the case of Guillaume Leheux or that of le Borgne de Nocé. Concerning

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<sup>19</sup> AN, KK 648, no. 12 (1428, May 4).

<sup>20</sup> *Pour savoir se ilz sont tels que ilz doyent emporter pugnicion ou estre reputez comme gens de guerre, ouquel cas, par la justice, ilz seroient rendus a ceulx qui les auroient prins.*

<sup>21</sup> Jouet, *La Résistance*, pp. 42-3.

the latter, it is interesting to note that the English king himself specified in a letter to his treasurers of Normandy, in December 1438, that Nocé was by rights the *prisoner of war* of William Herdson.<sup>22</sup> Nevertheless, on the king's orders, Herdson surrendered his prisoner to the seneschal of Normandy *pour lui faire faire son proces*.<sup>23</sup> The French captive was found guilty and executed as a criminal.

The assumption that 'brigandage' was a charge hanging over the head of soldiers sheds new light on some sources. Two examples follow. In 1441, the captains of Lisieux and Argentan were able to charge the surrounding *vicomtés* £68 (400 l.t.) for delivering three brigands to justice, on the 'highly dubious grounds', in the words of Michael K. Jones, that they could have gained a greater sum by recognising their captives as legitimate combatants and ransoming them.<sup>24</sup> However, the fact that the captains made such a claim and that the said subjects paid them reveals that this situation was probably less dubious than Jones believed.<sup>25</sup> If something is dubious in this case, it is the fact that, once again, the English authorities assimilated soldiers with brigands. The second case is based on the account of the trials and tribulations of Georget Roger, a sergeant in the castellany of Antrain, in the marches of Brittany.<sup>26</sup>

And the said Georget reported that he is so hated by the men-at-arms that he did not dare to stay in his house... One day when he fell into the hands of the brigands of the Mont-Saint-Michel who wanted to throw him in the river... for

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<sup>22</sup> ...icellui suppliant eust liberalement delivré son dit prisonnier a notre dit seneschal jasoit ce que de droit il fust son prisonnier de guerre... BN, Ms Fr 26065, no. 3647 (1438, December 20). The execution of this notorious French commander is also mentioned in L. Rioult de Neuville, 'De la Résistance à l'occupation anglaise dans le pays de Lisieux de 1424 à 1444', *Bulletin de la Société des Antiquaires de Normandie*, 16 (1892), pp. 44-5; Lefèvre de Pontalis, 'Episodes', 55 (1894), p. 294; Allmand, *Lancastrian Normandy*, p. 236, n. 68.

<sup>23</sup> The seneschal had been warned that *Brogne de Nossey estoit homme de grant emprinse et convaigne et qui tres souvent venoit et se tenoit a grant compaignie de gens en plusieurs parties de notre apis de Normendie et mesmement es vicontes d'Angé, d'Orbec, Pontaudemer, Caen, Faloize et Argenthen faisant lui et ses compaignons sur notre povre peuple et subgets plusieurs prises de leurs corps et biens, ravissements, murders, larrecins et autresz maulx et oppressions innumerables ou grant prejudice de nous, noz seigneurie et subgez dessus dit*.

<sup>24</sup> BN, Ms Fr 26068, no. 4243; as cited in Jones, 'Ransom brokerage', p. 222.

<sup>25</sup> For similar examples of prisoners who were handed over to justice in return for a great amount of money paid by Norman subjects, see *Chronique du Mont-St-Michel*, ii. 16, no. 137 (1433, May 30); 169-70, no. 239 (1444, January 27).

<sup>26</sup> *Et rapporte ledit Georget qu'il est tellement haï des gens de guerre que bonnement il n'osoit demeurer en sa maison... Même qu'un jour, tomba entre les mains des brigands du Mont-Saint-Michel qui voulurent le jeter en la rivière... en déplaisance qu'il estoit sergent et avoit été à la prinse d'aucuns leurs compaignons qui exécutés avoient esté. Heureusement le relâchèrent... en échange d'une forte rançon, pour laquelle payer il dut vendre partie de ses héritages*. Archives Départementales de Loire Atlantique, B 2450/13; as cited in R. Cintré, *Les Marches de Bretagne au Moyen Age. Economie, Guerre et Société en Pays de Frontière (XIVe-XVe siècles)*, Pornichet, 1992, p. 114.

the unpleasant reason that he was sergeant and had participated in the capture and execution of some of their companions. Fortunately, they released him in return for a great ransom, which he paid in selling a great part of his inheritances.

At the start, Roger mentions the hatred of the men-at-arms which caused him much trouble. However, slightly later in his story, these men-at-arms are qualified as ‘brigands of Mont-Saint-Michel’. In making this assimilation, Roger justified the execution of some of these men, which was the cause of their hatred of their companions. Here again, the assumption that brigandage was a charge hanging over regular soldiers allows clarification of the document.<sup>27</sup> It is important to note that the charge of brigandage, however, did not necessarily lead to the execution of the French soldiers captured by the English. The fate of the captives might depend on several factors, all of them firmly pointing toward a cold form of pragmatism, as we will now see.

### III. Strategy and politics

The issue of prisoners of war did not fit very well in the ambitious English programme of pacification of the duchy of Normandy and ‘pays de conquête’ in the early 1420s.<sup>28</sup> This was made very clear in royal ordinances promulgated shortly after the death of Henry V, on 8 October 1422.<sup>29</sup> This document concerns the way to deal with prisoners of war coming from

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<sup>27</sup> A similar observation could be raised from the following case. In August 1429, Thomas Percy, a soldier in the garrison of Mont-Saint-Michel, sent a letter to Jean Burnel, viscount of Carentan for the English. In this document, Percy reminds Burnel that the former viscount, Nicole Potier, had once asked Percy to stand for him against the *gens de son party*, that is the French, in the event that the English were chased from Normandy; Burnel having been Potier’s clerk, Percy thought that he might also want to have his support should the need arise. The viscount denounced this letter as an attempt to compromise him in the eyes of the English, in revenge, according to him, for the executions of *brigands et ceulx tenant le parti du dit Percy*. Whether this claim was true is not the most relevant part of this affair. What matters is that the viscount had seemingly been involved in the execution of soldiers of the Mont-Saint-Michel, as he himself acknowledged. *Actes*, ii. 146 (1429, August).

<sup>28</sup> About this programme of pacification, see A. Baume, ‘Les opérations militaires anglaise pour expulser les compagnies françaises du Pays de Caux et du Vexin normand’, in *La « France anglaise » au Moyen Age. Actes du 111<sup>e</sup> congrès national des sociétés savantes (Poitiers, 1986)*, Paris, 1988, 393-400 ; P. Contamine, ‘Lever l’impôt en terre de guerre : rançons, appatis, souffrances de guerre dans la France des XIV<sup>e</sup> et XV<sup>e</sup> siècles’, in P. Contamine, J. Kerhervé, A. Rigaudière (ed.), *L’impôt au Moyen Age. L’impôt public et prélèvement seigneurial fin XIII<sup>e</sup>-début XVI<sup>e</sup> siècle. Colloque tenu à Bercy les 14, 15 et 16 juin 2000*, 3 vol., Paris, 2002, i. 11-39, at p. 30. During the period of the occupation, the English government untiringly tried to track down brigands and traitors. It constantly reiterates its order to surrender brigands to justice and continued to launch expeditions against them. B. J. H. Rowe, ‘The Estates of Normandy under the Duke of Bedford, 1422-1435’, *E.H.R.*, 46 (1931), 551-78, at pp. 572-3; Goulay, ‘La résistance’, pp. 41, 49.

<sup>29</sup> BN, Ms Fr 26044, no. 5771 (1422, October 28). Rowe mistakenly associated this document with disciplinary measures aimed at keeping order within the English ranks. She analyses it as a ‘Proclamation against the issue of private safe-conducts. These were a double source of evil, because they let loose upon the country undesirable prisoners who either stirred up rebellion or preyed upon the people, and also because they enabled the soldiers to

Normandy and *terres de conquête*, who had clearly become unwanted at that time. The argument develops as follows. Norman captives paid their ransoms thanks to the help of relatives or connections in the duchy of Normandy. This was intolerable, as these relatives and connections were now English subjects. As a result, the French prisoners were regaining their freedom at the expense of subjects of the English crown. In addition to this, the ordinance stated that these prisoners took advantage of the protection of their safe-conducts to attract Norman subjects of the English crown to their party. For these reasons and for the sake of the public good, the government forbade any captains or men-at-arms to deliver any safe-conducts to Norman prisoners. Any soldier who captured a Norman prisoner in possession of such a safe-conduct was expected to hand him over to the crown and would be rewarded with a third of the ransom (the crown reserving for itself the other two-thirds). The fine applied to the captain who had delivered the safe-conduct despite the orders would amount to a third of the ransom. There were, therefore, not many options left. The prisoner could either rot in prison or change allegiance.

The royal authority did partly relieve this strict ban on the release of prisoners in subsequent versions of this ordinance. It was proclaimed at Rouen, in 1431, that no 'baillis' or captains would receive any man who was not in the English allegiance.<sup>30</sup> They were also forbidden to provide any safe-conduct to the enemies except if they were prisoners of war, so that they could raise their ransom. A later version of the ordinances of war, in 1438, reveals that, in spite of various orders previously issued, some *baillis*, captains and men-at-arms continued to provide their prisoners with safe-conducts. But this later ordinance specified that only the king could issue such a document.<sup>31</sup> As we can see through these successive orders, the English authorities were hardly consistent in their policies and the soldiers were not very obedient. This, I believe, is a sign of tensions between public and private interests which were hardly resolved. Beyond this conflict of interests, the government revealed in its original ordinances in 1422 its strong reluctance toward the ransoming of Norman prisoners of war and the difficulties that the very existence of these captives raised.

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make a profit by arresting and holding to ransom suspects who were often really innocent.' B. Rowe, 'Discipline in the Norman Garrisons under Bedford, 1422-35', *E.H.R.*, 46 (1931), 194-208, at p. 194 n. 3.

<sup>30</sup> ... *exceptés seulement aux prisonniers de guerre pour* [repetition: *pour*] *chasser leurs fynances*... BN, Ms Fr 26054, no. 1525 (1431, March 26).

<sup>31</sup> BN, Ms Fr 26064, no. 3412 (1438, February 18).

In such circumstances and given the fact that, as a general rule, soldiers behaved very badly – especially the French army of those particularly troubled times, which was mainly composed of semi-autonomous bands of soldiers –<sup>32</sup> it is easy to believe that the English crown made extensive use of the charge of brigandage to get rid of these troublemakers if it was not able to rally them to its side. I will now present and analyse three different cases of Norman prisoners of war who faced the penalty of death.

1 – In the first case, strategic needs might have saved the lives of the French captives. The events took place in Lower-Normandy in 1437. On 5 July, Henry VI issued an order to Richard Merbury, who was then *bailli* of Gisors.<sup>33</sup> The letter started with a reminder of the mission that the king had entrusted to him: that is, seizing by any means the place and fortress of Baudémont which was still occupied by the enemy. The king then informed Merbury that he had learned that some soldiers in the retinue of the captain of Baudémont had recently been captured by John Talbot and surrendered to justice. They were currently detained as prisoners in Vernon. Some of them had already been killed. The remaining captives were awaiting their imminent execution. Interestingly enough, the king justified the reason for this sentence to death. After examination, the French prisoners had been charged with several criminal offences against the king and his lordship. The very day of their capture, the letter specified, the French captives had pillaged and ‘destroyed’ some English subjects who were paying them a ransom. For these reasons, in the eyes of the English king and his justice, they were *dignes de pugnicion cappital*.

However, their acquaintance with the captain of Baudémont gave an added value to their persons which could possibly save their lives. The king engaged Merbury to bring all the prisoners before the fortress of Baudémont to try to reach an agreement with the captain: the deal would consist in releasing the French captives in exchange for the evacuation of the fortress. If the *bailli* managed to seal an agreement with the captain of Baudémont, the king suggested paying the captors of the French prisoners the usual 6 l.t. as if they had been judicially executed, the same amount having been paid to the captors of the other prisoners who had already been sent to the gallows. What happened to these prisoners remains unknown. But a quittance of Merbury handed over to Pierre Baille, general receiver of

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<sup>32</sup> Baume, ‘Les opérations’, p. 400. ‘Mais à partir des années 1420, sans que Charles VII avait été capable de les solder, ni de les contrôler régulièrement, des bandes de gens de guerre se constituèrent, sur lesquelles il pouvait à peu près compter.’ Contamine, *Guerre, État*, p. 532.

<sup>33</sup> BN, Ms Fr 26063, no. 3217 (1437, July 5).

Normandy, only six days later, reveals that the bailli of Gisors had come to an agreement with the French captain.<sup>34</sup> The latter would evacuate the fortress of Baudémont for some money and the return of three prisoner-hostages that Bourcier had left in Pont-de-l'Arche as pledges for the payment of his own ransom.

2 – The second case possibly unveils an English policy towards Norman prisoners of war. If the life of Jean de Mathan, a French esquire in the garrison of Mont-Saint-Michel, captured in August 1424, was ultimately spared by the English, the price to pay was significant. The trials and tribulations of Mathan are reported in a grant of safe-conduct issued by Henry VI in May 1426.<sup>35</sup> The French prisoner was detained in the castle of Hambye by his captor, William Godebec, an English esquire. Mathan had never sworn allegiance to the English king before. Nevertheless, Godebec knew that his prisoner had participated in several raids in the Norman countryside where he had killed some English subjects, both combatants and non-combatants and, as a result, was not sure that he could consider him as his legitimate prisoner of war or if he should surrender him to justice for his crimes.<sup>36</sup> Ultimately, Godebec decided to consult his captain, William de la Pole, earl of Suffolk, who was besieging Mayenne at that time. Provided that he swore allegiance to the English king, Suffolk declared that Mathan would be held as prisoner of war and, as such, would be ransomed by his master. The ransom was fixed at the significant amount of £57 (200 crowns, 10 silver marks) and the prisoner was released on parole to raise the money. Mathan encountered some difficulties in paying his ransom in due time and the need for a renewal of his safe-conduct led him to petition the king who acceded to his request, provided that he became a good and loyal subject.

Rowe built on this case to draw the line between brigands and soldiers.<sup>37</sup> The fact that Suffolk decided that Mathan would be held as prisoner of war proves, according to the English historian, that, as a general rule, soldiers were never considered as brigands. In my mind, this assumption is simply untenable. In fact, this letter is further evidence that the penalty of death did hang over regular soldiers. Mathan was threatened with being charged with brigandage, but his life was ultimately saved and this was not just a question of money. What had seemingly allowed him to escape death was his promise to change allegiance and

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<sup>34</sup> BN, Ms Fr 26063, no. 3239 (1437, July 11).

<sup>35</sup> *Chronique du Mont-St-Michel*, i. 244-7, no. 81 (1426, May).

<sup>36</sup> ...pour savoir s'il seroit receu comme prisonnier de guerre ou s'il seroit pugny criminelment...

<sup>37</sup> Rowe, 'John Duke Bedford', p. 594.

become a good and loyal subject of the English crown. This was also the condition imposed by the king for the re-issue of a safe-conduct. Assuming that there was an English plan, its terms were as follows. Traitors were invariably executed; Norman soldiers who were not traitors were not necessarily safe. They were at risk of being charged with brigandage. The lives of some of them, possibly higher-ranking ones, were spared provided that they swore allegiance to the English king. If they broke their word and subsequently fell again into the hands of the English, this time, they would inevitably be beheaded as traitors. As we will see later, this assumption must however be taken very carefully.

3 – The last case is the shortest and probably the most compelling. The events took place in the 1440s; they are mentioned in the plea of a legal case brought before the Parlement of Paris in 1447.<sup>38</sup> Jean Martin, a native of Normandy, was sued by his pledge and ‘a rich Englishman’ called Walter Bernard, who had paid his ransom. Martin had been captured by English soldiers from Avranches. Fearing for his life, he pretended to be from Limousin. According to him, had they known that he was from Normandy, there was no doubt in his mind that his captors would have executed him, such was the custom.<sup>39</sup> His ransom amounted to £9 (40 crowns) that he never paid. Ungracefully, Martin denied the validity of his obligation toward his creditors in arguing that the document wrongfully stated that he was from Limousin. This custom of killing Norman prisoners may not have been very old and may, in fact, be closely linked with the reversal of fortune that the English were experiencing in the late 1440s. It is nonetheless a serious infraction of the so-called ‘law of arms’. The motivations underlying the English conduct are not easily identifiable. Were these executions carried out in a spirit of revenge, respite or was it part of an even stronger political line adopted in order to redress the situation in Normandy?<sup>40</sup>

These three cases bring to light the denial of the allegedly deep-rooted rights of prisoners of war at various times and in different circumstances. Their common point is the duchy of Normandy, which the English government wanted to preserve from any invasion or disturbance at any cost. If there was evidence that a French soldier in the hands of the enemy had committed any criminal offence, he would be charged as a criminal, irrespective of the

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<sup>38</sup> AN, X1a 4801, fol. 289vo (1447, June 12).

<sup>39</sup> *...par l'usage qui avoient lors, l'eussent fait noier...*

<sup>40</sup> There was still hope for recovery after Arras and ‘conditions on the frontier could improve substantially once the uncertainties of war ended’, according to M. K. Jones, ‘War on the frontier: the Lancastrian land settlement in eastern Normandy, 1435-50’, *Nottingham Medieval Studies*, 33 (1989), 104-21, at p. 119.

unfairness of this practice. Such politics could only have won over the support of a population which despised the soldiers as much as the peasants who haunted the woods. The soldiers who were threatened by these measures were more probably the lower-ranking ones: the varlets and pages who were renowned for their misconduct. But, as we have seen, even a French esquire could face the charge of brigandage. In this respect, Richard Scalles was paid the usual 6 l.t. for bringing into Argentan the dead body of Alain de Beaufesse, esquire, ‘a notorious traitor and brigand’ in November 1434.<sup>41</sup> Also, Dominic Goulay mentions two French knights, Jean Guyetau and Robert Péron, who were considered as brigands.<sup>42</sup> There was a way out of it for these higher-ranking soldiers; changing allegiance and therefore no longer being a threat to the safekeeping of the duchy.<sup>43</sup> In one set of circumstances, we have also seen that the English authorities were ready to upgrade the status of soldiers it had previously demoted to the rank of brigands - for the evacuation of the fortress of Baudémont, which was occupied by the enemy. The execution of some troublemakers was certainly not worth the gain of a French stronghold, in terms of strategy and peace for the duchy.

It must be noted that not all the available sources point to these deliberate and systematic measures which were aimed at getting rid of the threats to the duchy of Normandy (for example in killing or corrupting French prisoners). For instance, the surviving counter-rolls of accounts of English garrisons in Normandy give plenty of evidence of French soldiers who were captured by the English and subsequently ransomed.<sup>44</sup> These prisoners were seemingly not all compelled to change allegiance to regain their freedom. Interestingly, one of the very rare mentions of a change of allegiance concerned the most valuable prisoner appearing in these sources, a certain Jean de Seuille, captured in 1428, by a soldier of Avranches, who was put to ransom for £57 (200 crowns and 10 silver marks).<sup>45</sup> In other instances however, Norman captives who changed allegiance were simply those who could not afford their ransom.<sup>46</sup> In conclusion, there was probably no consistent policy against

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<sup>41</sup> BL, Add Ch 3745-6 (1434, November 2).

<sup>42</sup> BN, Ms Fr 26062, no. 3166 (1437, May 3); as cited in Goulay, ‘La résistance’, p. 53.

<sup>43</sup> There are other cases of soldiers who were compelled to rally to the English obedience in addition to the payment of their ransom. *Actes*, ii. 296-8, no. 242 (1434, July, 10). See also, AN, JJ 172, no. 572 (1424, July); AN, JJ 172, no. 435 (1423, March).

<sup>44</sup> Philippe Contamine has counted 260 French prisoners in his survey of 200 accounts of Norman garrisons between 1420 and 1440 which have been ransomed. Contamine, ‘Rançons et butins’, pp. 264-5.

<sup>45</sup> In the margin of the account : *...a fait le serement que il appert par certification du cappitaine...* BN, Ms Fr 25768, no. 298 (1428, September 29).

<sup>46</sup> See the example of Gilet de Lointren, above, p. 151. The motivations of Jean Dartaing who was received *par congé a faire serement et est deca du parti du roy* when he was captured a second time by the Lord de Lisle might have been financial as well. Dartaing had previously fell into the hands of the count of Huntingdon and



prisoners of war throughout the English occupation of Normandy in the first half of the fifteenth century. At least, the sources show that there was no measure that was systematically enforced. The level of tolerance toward the issue of prisoners of war was more probably down to individuals and periods of time. Toward the end of the occupation, for instance, we have seen that this level was close to zero.

#### IV. In the Hundred Years War

One last question needs to be raised. To what extent was the status of prisoners of war fully acknowledged and respected outside the chronological and geographical scope of Lancastrian Normandy? We have already seen in Chapter one how the killing of prisoners of war was an integral part of the soldiers' world. I will not come back to this point here. I will rather keep the focus on the line of demarcation between prisoners of war and criminals.

Evidence shows that the execution of prisoners of war under the guise of brigandage or criminality was not restricted to Lancastrian Normandy. For example, toward mid-August 1423, at midnight, a company of French soldiers attempted to seize the city of Chartres (Brittany), which was occupied by the English, but failed.<sup>47</sup> Twenty were captured and subsequently quartered and beheaded on the dubious ground that they confessed that they had planned to put to the sword all the men, women and children. No criminal offence had even been committed in this particular case. The mere confession of a future crime led to their execution. There is also very good reason to wonder whether the forty so-called *sacquemens* garrisoned in Le Quesnoy (Nord-Pas-de-Calais) who surrendered to Jean de Luxembourg in 1422, and were subsequently killed, were not common soldiers who had been victims of a similar assimilation with criminals.<sup>48</sup>

The following example is even more revealing. Not far from the duchy of Normandy, in December 1429, Sir Robert Willoughby captured a large bulk of French soldiers from the garrison of La Chasse (Ile-de-France), whom he brought to Paris to be judged for the

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already met difficulties in paying his ransom. AN, X1a 4797, fol. 215ro-216ro (1434). Some lesser members of the military society probably did not have enough money to pay any ransom at all. For instance, Colin Cuignet captured by an English of Tombelaine in 1435 agreed to serve them as page. BN, Ms Fr 25773, no. 1143. The register of the letters of pardon provides countless examples of prisoners throughout the fourteenth and fifteenth centuries who accepted to serve the enemy as they had no other solution to pay their ransom. See p. 151.

<sup>47</sup> Lefèvre-Pontalis, 'Episodes', 56 (1895), p. 435.

<sup>48</sup> Monstrelet, *Chronique*, iv. 83-5.

‘innumerable damages’ they had caused.<sup>49</sup> This episode is related in the registers of the Parlement of Paris. The gaolers of the prison and the provost of the merchants were in conflict over the outstanding expenses of custody and care of the prisoners. Among other arguments, the provost remonstrated that Simon Guerin, one of the captives, should not have been looked after by the doctor as he ‘was better dead than alive’ (*valoit miex more que vif*).<sup>50</sup> Rowe argued on the basis of this piece of evidence and, in fact, on this specific quotation, that only in very serious cases where blatant cruelty had been demonstrated by the captives, French soldiers might have been assimilated with brigands by the English government.<sup>51</sup> Yet this argument ignores the obvious interests of the provost of the merchants, who refused to face up to his responsibilities in the payment of the expenses of custody.

The process of tarnishing the reputation of the enemy is very well highlighted by Colette Beaune who investigated the execution of the Bastard of Vaurus.<sup>52</sup> Vaurus was captured by Henry V at the surrender of the fortified market of Meaux (Ile-de-France) in May 1422. He was executed along with his half-brother, the bailiff of Meaux, and several others. There are two versions of the Bastard’s death and they have little in common. Writers on the Anglo-Burgundian side made the Bastard into a killer, who was rightfully punished for misdeeds that had nothing to do with resisting the English.<sup>53</sup> Partisans of the dauphin saw the event very differently. Jean Jouvenel des Ursins, in his Chronicle of Charles VI, acknowledged that the Bastard may have been too expeditious with the Parisian and Anglo-Burgundian partisans he discovered in the fields, but he died ‘because he was a brave fighter and a gentleman, because he had loyally served his lord.’ The *Declaration of Freedom of Normandy* turns the Bastard’s sentiments at the moment of his execution into an example for Frenchmen of all generations to come. This chronicler relates that Henry threatened to hang him and to dishonour his banner if he did not agree to change camps. The Bastard is said to have replied: ‘I prefer to die unjustly to keep my faith than to live having broken with it. No death one dies for the state is shameful or miserable.’ To add even more substance to

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<sup>49</sup> Clément de Fauquembergue, *Journal, 1417-1435*, A. Tuetey (ed.), 3 vol., Paris, 1903-15, ii. 344 (30 May 1430), 351 (3 July 1430).

<sup>50</sup> Ibid., p. 351.

<sup>51</sup> Rowe, ‘John Duke Bedford’, p. 596 n. 1.

<sup>52</sup> For the following discussion, unless otherwise stated, see C. Beaune, *The Birth of an Ideology. Myths and Symbols of Nation in Late-Medieval France*, S. Ross Huston & F. L. Cheyette (transl.), Berkeley & Oxford, 1991, pp. 306-7.

<sup>53</sup> The *Bourgeois de Paris* told a terrifying story of how he had tied a labourer’s pregnant wife to a tree in the forest and left her to be eaten by wolves. Pierre de Fémin told how the Bastard was hanged to the tree where he had hanged poor labourers, his banner attached to his chest. The Monk of Saint-Denis claimed that his head was ‘impaled on the end of a pike attached to the tree where he had hanged poor labourers’. Ibid., p. 306.

Beaune's analysis, it is interesting to note that Vaurus was a valuable man in the eyes of Charles VII, who called him *son bien amé le bastard de Warrus, escuier* ('his beloved bastard of Waurrus, esquire') in a letter issued in November 1419.<sup>54</sup> We could draw a parallel between the two cases of Vaurus and Mathan, except that the latter had agreed to change allegiance to save his life. These heroic words put in the mouth of the bastard must however be taken with as much reservation as his enemies' harsh criticisms.

The association of prisoners of war with criminals is not exceptional in the late Middle Ages. Alongside any strategic and political issues, both of which applied in Lancastrian Normandy, should we also see in this process the vestiges of earlier times and mentality? According to Dunbabin, as we have seen in the introduction, since war was waged by sovereigns, the combatants were no longer considered as criminals once they fell into the hands of the enemy, but as legitimate prisoners of war.<sup>55</sup> In the course of the thirteenth century, the status of prisoner of war, which was tacitly acknowledged by the code of chivalry, had also found its theoretical foundation with the emergence of the notion of public war. From this point, we can consider that either the recognition of the status of prisoner of war was not complete in the late Middle Ages, or that the ever-growing ill-discipline of soldiery which was at its peak in the course of the Hundred Years War, as is witnessed by the shift in meaning of the terms brigands, pillars and *sacquemens*, provoked a reversion to earlier attitudes toward prisoners of war.<sup>56</sup>

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<sup>54</sup> Jean Chartier, *Chronique de Charles VII*, A. Vallet de Virrville (ed.), 3 vol., Paris, 1858, iii. 250.

<sup>55</sup> See above, p. 12.

<sup>56</sup> It must be noted here that this indiscipline also led sovereigns to take strong measures against their own soldiers. On the English side, see, for instance, Rowe, 'Discipline', pp. 194-208; A. Curry, 'Pour ou contre le roi d'Angleterre ? La discipline militaire et la contestation du pouvoir en Normandie au XVe siècle', in *Images de la contestation du pouvoir* (op. cit.), 147-62. See, for instance, on the French side, BN, PO 658, Chambort, 2: *Inventaire des biens qui sont escheuz et avenuz a monseigneur le duc d'Orléans par confiscacion par la mort de Jaquet de Chambort, bastart, Guillaume le Biernas et Jehan Jamet, compaignons de guerre, executez et noyez le jour de hier pour leurs demerites*. (1433, January).

## Chapter 3

### *Princes, captors and prisoners*

Crown interference in the ransom business during the Hundred Years War has long been identified. Pierre-Clément Timbal and his team observed, through their study of the registers of the Parlement of Paris, that captures of prisoners of war were not always a purely private affair. While the King of England was entitled to a portion of the ransoms of prisoners captured by his troops, Timbal remarked that the French sovereign interfered when a political stake enticed him to secure the ownership of a captive.<sup>1</sup> Philippe Contamine has since further explored those interventions of the French sovereign, highlighting the various ways in which the latter's extensive power might prevail over the fate of prisoners.<sup>2</sup> In Contamine's opinion, the English crown was 'a predatory state' throughout the Hundred Years War, essentially interested in its royal rights over the ransoms of prisoners.<sup>3</sup> This statement has recently been challenged by Françoise Bériac-Lainé and Chris Given-Wilson who demonstrated that, when acquiring prisoners, Edward III was mainly interested in securing political advantages sometimes to the detriment of any pecuniary profit.<sup>4</sup> According to the two historians, Edward III is even likely to have made a financial loss in dealing with the prisoners of Poitiers.

In general, it would therefore seem that, beyond any financial enticement, both the French and English crowns were motivated by political aims in dealing with the issue of prisoners of war. It is the purpose of this present chapter to appraise the kings' involvement with (enemy) prisoners throughout the whole war. In this respect, the analysis will focus on the most visible form of intervention, i.e. the prince's acquisition of prisoners of war captured by his subjects. What were the motives behind these acquisitions? Is there a common denominator between what happened in France and what happened in England? To what extent could we talk about growing crown interference during the war? These questions and others will be addressed in this chapter. The first part will investigate the rules governing the kings' acquisitions of

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<sup>1</sup> Timbal, *La guerre de Cent Ans*, pp. 305-6.

<sup>2</sup> His first observations in 'Rançons et butins' (pp. 243-5) are largely expanded in 'The Growth of State Control', pp. 164-75.

<sup>3</sup> Contamine, 'The Growth of State Control', p. 176.

<sup>4</sup> Bériac-Lainé & Given-Wilson, 'Edward III's Prisoners of War', pp. 802-33.

prisoners and the second part will look at the most common motives behind these acquisitions. In the third part, Henry V will be the subject of an individual case study. In the fourth part, this case study will then be placed in the context of the Hundred Years War in an attempt to identify the mechanisms of crown interference at that period.

## **I. Rules for the acquisition of prisoners**

Late medieval chivalric and legal treatises advocated that every prisoner captured ‘should be the lord’s in whose pay the soldier is’.<sup>5</sup> This precept did not apply in practice. The English indentures of war between the crown and its captains reserved for the former the wealthiest prisoners, those ‘of public standing’, such as kings, princes of the blood and chief commanders, in return for reasonable compensation.<sup>6</sup> The English monarch was also entitled to a portion of the ransom of all the other prisoners taken by the captains and their men.<sup>7</sup> The rules in France were not so clearly defined. In 1430, Pierre Cauchon, bishop of Beauvais, had been entrusted by Henry VI with the mission of acquiring the ownership of Joan of Arc from her masters, the bastard of Wandonne and Jean de Luxembourg.<sup>8</sup>

Cauchon was expected to make an offer of £1,000 (6,000 francs) in cash, plus a 200 or 300 hundred pound annuity for Joan of Arc. If the deal was refused, Cauchon would then invoke a French custom, according to which the king could acquire any prisoner of war in return for the guarantee of a future payment of £1,667 (10,000 francs) to the masters. At first glance, this course of action taken by Cauchon is rather confusing. Why would Wandonne and Luxembourg accept an offer of just over £1,000 if they could get £1,666? This makes sense only if we consider that this rather old custom was not part of the everyday practice of the soldiers at that time. By this logic, facing the masters of Arc’s refusal to hand over their valuable captive, Cauchon contained their expectations in reminding them of this forgotten article of French custom. However old, forgotten or ignored this custom was, it must be noted

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<sup>5</sup> Bonet, *The Tree*, pp. 134-5; Keen, *The laws of war*, p. 145; Contamine, ‘The Growth of State Control’, p. 167.

<sup>6</sup> See, for instance, J. W. Sherborne, ‘Indentured retainues and English expeditions to France, 1369-80’, *E.H.R.*, 79 (1964), 718-46 (reprint in his *War, Politics and Culture in Fourteenth Century England*, A. Tuck (ed.), London, 1994, 1-28.)

<sup>7</sup> See above, p. 14.

<sup>8</sup> *Procès de condamnation de Jeanne d’Arc*, P. Tisset (ed.), 3 vol., Paris, 1960-71, i. 10 ; P. Tisset, ‘Capture et rançon de Jeanne d’Arc’, *Revue d’Histoire du Droit Français et Etranger*, 4th series, 46 (1968), 63-9, at p. 64 and n. 2.

that it was accepted, as we know that the prisoner was, indeed, sold for £1,666 (10,000 l.t.).<sup>9</sup> Besides this custom, the lawyer Poignant pleading in the Parlement of Paris in 1450 suggests the application of different rules in France at that period. He claimed that a French captain was entitled to a tenth of the ransom of each prisoner taken by his men or to reserve the prisoner for himself provided that he paid the ransom to the captors.<sup>10</sup> If captains had such a right, the French king certainly enjoyed the same privilege.

Sometimes prisoners would automatically pass into the hands of the authorities. This was, at least, what the king's prosecutor claimed in one legal case brought before the Parlement of Paris in 1417.<sup>11</sup> According to him, enemies captured in fortified towns could be considered spies and it was in the interest of the king to bring them to justice. However, the Scottish captor, David Menzies, involved in this case, declared that the captive should be his as 'enemy prisoners belong to those who captured them, either in or outside fortified towns, provided that they are not taken on the walls.'<sup>12</sup> According to him, this rule applied in previous cases involving prisoners taken in Paris, Amiens and elsewhere. For example, he evoked the case of the capture of French soldiers during Robert Knowles's expedition of 1370, where the captors were entitled to keep their prisoners. He also highlighted that this, too, was the custom in Calais and its neighbouring area. Yet a different argument put forward in this case was that if someone was taken prisoner in a town by 'law of arms', he did not belong to the king but to the captain of the town. Everybody in this trial seemed to disagree and had grounds to their claims. The sentence given by the court is unfortunately unknown. However, it is clear that rules concerning the automatic cession of a prisoner to the authorities

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<sup>9</sup> An order to levy £1,666 (10 000 l.t.) for the purchase of Jeanne d'Arc was issued on 13 September 1430. BL, Add Ch 10976. Contamine made an attempt to date this custom back to the reign of Charles V. Contamine, 'The Growth of State Control', p. 169. According to Keen, Jean d'Armagnac modelled his terms on this French custom in his contract with Ramonet de Sort for service in Aragon in 1389, agreeing that he shall only have a portion in booties and ransoms of *dets milla francs o daqui ensus*. Keen, *The laws of war*, p. 147 n. 5. Interestingly, Bonet (pp. 163-4) mentioned in his Tree that a prisoner in danger of death could ransom himself for £1,667 (10,000 francs), implying that his captors could not reject this offer. However, apart from the case of Joan of Arc, I did not come across any other application of this custom.

<sup>10</sup> *Les capitaines ont grans droiz comme le 10<sup>e</sup> sur chacun prisonnier ou prendre le prisonnier en payant la finance*. AN, X1a 4802, fol. 198ro (1450, March 3). This right is similarly drawn from that of the admiral of France in the reform of the admiralty of 7 December 1373. *Construire l'armée française. Textes fondateurs des institutions militaires*, i. *De la France des premiers Valois à la fin du règne de François Ier*, V. Bessey (ed.), Turnhout, 2006, pp. 73-4 (article 18). An arrest of the Parlement issued a few years later referred to the same rule according to which a tenth of the ransom of the prisoner was devolved to the captor's captain. AN, X1a 84 (1454, March 8); as cited in M. de Beauchesne, 'Jean des Vaux, capitaine de Mayenne pendant la guerre de Cent Ans', *Revue historique et archéologique du Maine*, 73 (1913), 225-72, at p. 238.

<sup>11</sup> AN, X1a 4791, fol. 210rv (1416, March 18). The case is analysed in Contamine, 'The Growth of State Control', p. 170.

<sup>12</sup> AN, X1a 4791, fol. 210ro.

must have applied, but they were not very well received and only applied in very particular circumstances.

Beyond these rules, evidence shows that, by and large, princes sealed a contract of purchase with the captor of the prisoner whom they intended to acquire.<sup>13</sup> There is reason to believe that the surrender of the captive to the authorities was rarely a matter of choice for the captor,<sup>14</sup> yet the contract equally bound the two parties involved, king and captor. This fundamental principle of the law of contract is made clear in the reply to a petition of Robert Hawley and John Shakell to the king and lords in parliament in c. 1377: 'With regard to the reward which they request for certain Flemings taken in the Bay, if it can be found at their return that the late king or the present king *is obliged to pay* the said reward, the council will ordain for their reward, either by a ship or in some other suitable way.'<sup>15</sup> Also, it must be noted that the coercive aspect of the transaction did not prevent the fact that tough negotiations often took place between the prince and the captor, as the contract for the purchase of the Genoese captain, Renier Grimaldi, suggests.<sup>16</sup> *Certainne bargaine* between members of Edward's council and Ralph Basset, Grimaldi's master, eventually led to the King's acquisition of the Genoese captain in return for a huge £2,640 (12,000 golden crowns) in August 1375.

We have seen in Chapter one how princes heavily relied on the law of contract. Philip the Good, for instance, took care of protecting himself against any potential claimant to his prisoner.<sup>17</sup> As another example, the following contract of indenture highlights the precautions taken by John of Gaunt, duke of Lancaster, in the event of the premature death of the French prisoner he was purchasing from Sir John Dageny, in October 1367.<sup>18</sup> Gaunt agreed to pay £333 (500 marks sterling) for the prisoner in two instalments of £166 (250 marks sterling): the first one by Easter 1368 and the second one by next Michelmas. There were, however, conditions to this agreement. If the prisoner died before the next Christmas without having paid his finance in full, Gaunt's obligation toward Dageny would be cancelled. If the prisoner

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<sup>13</sup> The establishment of such contracts dates back, at the very least, to the battle of Poitiers. See *Foedera, conventiones, litterae, etc.*, T. Rymer (ed.), 20 vol., London, 1704-35, vi. 2 (1357, February 12); Bériac-Lainé, Given-Wilson, *Les prisonniers*, pp. 168-9, 172-3; Bériac-Lainé, Given-Wilson, 'Edward III's Prisoners of War', p. 815.

<sup>14</sup> Bériac-Lainé & Given-Wilson, 'Edward III's Prisoners of War', pp. 815-6.

<sup>15</sup> TNA, SC 8/297/14832.

<sup>16</sup> *Foedera*, vii. 82 (1375, August 10).

<sup>17</sup> See above, pp. 39-40.

<sup>18</sup> TNA, DL 27/218 (1367, October 17).

died between Christmas and Easter without having paid his ransom in full, the duke would have to pay only £166. If he died after Easter, the ransom either paid or not, the duke would be obliged to pay the total amount of money, that is, £333. Such provisions may indicate that the prisoner was not in good health (and that the duke did not want to lose his money).

## II. Motives

In many instances, we do not know the exact fate of the prisoners who were acquired by the sovereigns. There is no doubt that in some cases authorities made profits out of the ransoms of their captives. Contrary to their men who speculated over the financial value of prisoners of war, princes, either French or English, were not primarily interested in making monetary profits. The case of Waleran de Luxembourg, count of Saint-Pol, illustrates this point. Luxembourg was captured by an esquire from Guelders (Netherlands) near Ardres, in August 1374.<sup>19</sup> According to Froissart, he was purchased by John, lord of Gommegnies for £1,667 (10,000 francs) and subsequently sold to Edward III for double that, £3,334 (20,000 francs).<sup>20</sup> If we believe the chronicler, this investment proved to be extremely lucrative for the English king, as we know that he sealed a contract with Luxembourg in July 1376 which set the amount of his ransom at a huge £16,667 (100,000 francs).<sup>21</sup> Edward's initial purpose in acquiring Luxembourg was not however to make a profit, but rather to use him as a possible trade-off for the release of the Gascon knight Jean de Grailly, *captal de Buch*, who had fallen into the hands of Charles V in 1372.<sup>22</sup> The French monarch refused the deal and Grailly died in captivity in September 1376 which is the reason why Edward subsequently ransomed Luxembourg.<sup>23</sup>

Those motives behind princely acquisitions which are brought to light by the sources can be put broadly in two categories: they were either political or strategic. At the highest level, prisoners of 'public standing' were used by princes to secure advantageous treaties of peace with their enemy. Michael Jones, Françoise-Bériac Lainé & Chris Given-Wilson and

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<sup>19</sup> *Anonimale Chronicle*, pp. 76-7; Froissart, *Chroniques*, viii. 187.

<sup>20</sup> Froissart, *Chroniques*, viii. 187-9.

<sup>21</sup> TNA, E 30/1686 (1376, July 17).

<sup>22</sup> Froissart, *Chroniques*, viii. 189, 239-41.

<sup>23</sup> R. Delachenal, *Histoire de Charles V*, 5 vol., Paris, 1909-31, iv. 478. The payment of this great amount of money ran over several years. Various pieces of accountancy and other sources relating to this case have survived in the National Archives in London. See, for instance, TNA, E 1278/1 (1379, August 15); E 1513 (1379, August 17); E 101/619/23; E 318/23, 24. Luxembourg's marriage with Maud Holland, in 1380, seems to have put an end to the payment of his ransom.



Christopher Allmand have all demonstrated this through the cases of Charles de Blois (and his son Jean de Bretagne, count of Penthièvre), Jean le Bon, king of France, and Charles de France, duke of Orléans respectively.<sup>24</sup> Without going into details, the capture of Charles de Blois led to the treaty of Westminster (1356) and that of Jean le Bon to the treaty of Calais-Brétigny (1359-60). The negotiations for a peace treaty between France and England in 1439 in which Charles d'Orléans played an active part, however, failed. Henry V also used Orléans and the other prisoners of Agincourt to put pressure on Charles VI to restore the terms of the Great Peace. After Troyes, he tried to persuade them to accept his inheritance of France, which both the duke of Bourbon and the count of Richemont agreed to do.<sup>25</sup> Also, there is certainly much to say about the political consequences of the English capture of two kings of Scotland, David II and James I.<sup>26</sup> For the sake of brevity and clarity, I will however not investigate these well-known French and Scottish cases in more detail. It is nevertheless interesting to note here that political uses of prisoners of war at this level of the hierarchy were essentially English. This was, at least partially, a consequence of English military successes in battles where significant French lords had been captured.<sup>27</sup>

In the same political category, princes acquired prisoners in the hope of rallying them to their cause. Freedom in return for allegiance or the promise not to rearm against him was the deal put into the hands of numerous Scottish and French captives who were acquired by Edward III.<sup>28</sup> This way to cope with prisoners was however not exclusive to the English king. Charles V used the same method to obtain the allegiance of some rebellious lords who were captured by his men. Acting on Charles V's behalf, the duke of Anjou acquired four significant Gascon lords (Guillaume Aramon de Madaillan, lord of Rauzan, Bérart d'Albret, lord of Langoiran, Raymond de Montaut, lord of Mussidan, and Galhart de Durfort, lord of Duras) who had been captured at the battle of Eymet in 1377 in order to *yceulx tourner et faire venir a l'obeyssance de Monseigneur et de nous*, as is mentioned in the contract of

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<sup>24</sup> Bériac-Lainé & Given-Wilson, 'Edward III's prisoners', pp. 818-9; M. Jones, 'The Ransom of Jean de Bretagne, count of Penthièvre', *H.R.*, 45 (1972), 7-26; C.T. Allmand, 'The Anglo-French negotiations, 1439', *H.R.*, 40 (1967), 1-33.

<sup>25</sup> A. Leguai, 'Le problème des rançons au XVe siècle: la captivité de Jean Ier, duc de Bourbon', *Cahier d'Histoire*, 6 (1961), 41-58; Curry, *Agincourt*, p. 247.

<sup>26</sup> M. A. Penman, *David II, 1329-71*, Phantassie, 2004, esp. chap. 5-7; M. Brown, *James I*, Phantassie, 1994, pp. 24-32.

<sup>27</sup> The French also took some important English captives. We will discuss their fate later on.

<sup>28</sup> Edward however met the refusal of Bertrand Du Guesclin who was subsequently ransomed. Bériac-Lainé & Given-Wilson, 'Edward III's prisoners', pp. 812, 29.

purchase of three of them.<sup>29</sup> The case of another Gascon lord, Jean de Grailly, captal de Buch, is also worth a mention. We have already seen that Grailly had been captured by the French in 1372, passed to Charles V and perished in prison in Paris in 1376. Why was he the victim of this cruel fate? There was a precedent to this case. After his capture at Cocherel in 1364, Grailly agreed to become the liege man of the French monarch in order to recover his liberty.<sup>30</sup> Back in Gascony, he was reprimanded by the Black Prince and, receptive to the latter's argument, he sent two esquires to Paris to renounce his oath of fealty to Charles V. After his second capture at Soubise in August 1372, Charles V put the same deal in Grailly's hands: his liberty in return for his allegiance. Grailly's strong rebuttal eventually led to his death.<sup>31</sup>

In the strategic category, princes got hold of prisoners in order to obtain the evacuation of a place which was occupied by the enemy. This well-documented practice was instrumental in effecting French recovery during the 1370s and the 1450s. A few examples will illustrate this point. In 1371, Yvon de Tremagon received £126 (760 francs) for his part of the ransom of Guillaume du Chemin and Pierrot de Malvoisin, who had been purchased by the count of Alençon (as lieutenant of Charles V in Lower Normandy). The release of the two prisoners was part of the treaty for the evacuation of the fortress of Thury.<sup>32</sup> The liberation of the English prisoners included in the treaty for the surrender of the castle of Esse cost £232 (1,400 francs) to Charles V (in total, the marshal of Sancerre paid £282 – 1,700 francs – to the English occupants).<sup>33</sup> More significantly, the English garrison of the castle of La Roche-sur-Yonne, which surrendered in August 1373, requested the release of the prestigious English captain John Devereux and several others.<sup>34</sup>

<sup>29</sup> BN, PO 2624, Sancerre, no. 28; as cited in Delachenal, *Histoire de Charles V*, v. 54, n. 6. (1377, October 8). The four men wisely agreed to give their oath to the French king, but Duras and Rauzan deserted from the French cause very shortly afterwards. Froissart, *Chroniques*, ix. 20-1.

<sup>30</sup> Bériac-Lainé & Given-Wilson, *Les prisonniers*, p. 163.

<sup>31</sup> Many other examples could be quoted here. The duke of Lorraine took similar measures to obtain peace in his duchy. In 1424, 119 men in garrison in Commercy, who fell into the hands of the duke, were all released on the provision that they swore not to cause any further harm to the duke and his subjects. Luce, *Jeanne d'Arc*, p. 314, no. 329-33 (1424, November 8). See also above, pp. 54-6.

<sup>32</sup> For the treaty for the evacuation of Thury, see BN, Ms Fr 26011, no. 1282 (1371, April 31). For the quittance of payment for the purchase of the two prisoners, see BN, PO, 2876, Trémagon, 3 (1371, May 25)

<sup>33</sup> *Mandements et actes divers de Charles V, 1364-1380, recueillis dans les Collections de la Bibliothèque Nationale*, L. Delisle (ed.), Paris, 1874, pp. 434-5, no. 846.

<sup>34</sup> Cuvelier, *Chronique*, ii. 311 ; F. Lehoux, *Jean de France, duc de Berri. Sa vie, son action politique, 1340-1416*, 4 vol., Paris, 1966-8, i. 313-4. His ransom was estimated at 10,000 francs. At the very least, it was the sum that several French lords were bound to pay to the masters of Devereux, Du Guesclin, Jean Macé and Alain du Parc. *Letters, orders and musters*, pp. 214-5 (no. 577), 223 (no. 597), 226 (no. 608), 262-3 (no. 709), 265 (no. 715).

The ultimate expulsion of the English from the French territories in the early 1450s gave rise to similar transactions. In March 1450, Charles VII ordered Charles Desmarets, captain of Dieppe, to be paid £264 (1,200 crowns) for having set free, at the king's request, his (unknown) English captive, in some proceedings relative to the surrender of the town and castle of Arques.<sup>35</sup> In January 1451, Jacques de Clermont, esquire, bailli of Caen, received £373 (2,250 l.t.) in compensation for the ransom of his prisoner, John Merbury, whose release contributed to the reduction of the town and castle of Gisors.<sup>36</sup> At the same time, Jean de Dunois, bastard of Orléans, was granted £116 (700 l.t.) for the ransom of his prisoner Osborn Mondefort, formerly captain of Fresnoy-le-Vicomte, who was liberated, by order of Charles VII, in return for the evacuation of the said place of Fresnoy-le-Vicomte.<sup>37</sup> This motive for the acquisition of prisoners was not strictly French. Some Anglo-Burgundian examples during the time of the English occupation could be quoted here.<sup>38</sup> All in all, however, it appears that this use of prisoners was more characteristic of the French princes than the English. If we cannot draw any firm conclusions, one may however link this phenomenon with the fact that the war was essentially fought on French territory. The French were constantly preoccupied with the recovery of their towns, fortresses and lands, and the liberation of prisoners was an easy, if costly, way to achieve this aim.<sup>39</sup>

Finally, princes also acquired prisoners in order to exchange them with one particular subject who had been captured by the enemy. This last motive may well have been more personal than strategic, in some instances, but this remains hard to identify. A couple of examples of these acquisitions follow. Edward III purchased the count of Saint-Pol from Gommegnies in order to release the Captal de Buch. To take another example, towards the end of the war, Charles VII reserved for himself the lord of Cliqueton (Clyfton?), straight

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<sup>35</sup> BL, Add Ch 151 (1450 n.st., March 9).

<sup>36</sup> BN, Coll. Clairambault, 152, no. 80 (1451, January 10).

<sup>37</sup> BL, Add Ch 152 (1451, January n.st.).

<sup>38</sup> For instance, on 4 February 1422, Jean de Luxembourg, lord of Beaurevoir received £332.2 (2,000 francs royaux) from the duke that the latter owed him for the surrender of Louis de Nesle, brother of the lord of Offremont, prisoner of Luxembourg, captured at Mons-en-Vimeu. The duke purchased Nesles because he could obtain the capitulation and obedience of the town of St-Riquier thanks to Nesles and other prisoners. ADN, B 1925, fol. 123 vo. The cession of Poton de Xaintrilles, another prisoner of Mons-en-Vimeu, gave rise to a contract between the duke and his captor, Galois de Renty, according to which the latter would receive a first instalment of 1,200 golden crowns at the surrender of the prisoner. ADN, B 1925, fol. 123 ro (1421, December 28). For two other examples, see C.A.J. Armstrong, 'Sir John Falstof and the law of arms', in C.T. Allmand (ed.), *War, Literature and Politics in the Late Middle Ages*, Liverpool, 1976, 46-56 and BN, ms fr. 26063/3236, 3256 (1437, July 16).

<sup>39</sup> Interestingly, we read in an order in 1421 that the dauphin and Charles de Bourbon considered the seizure of towns through composition and purchase as *la plus aisée voye et plus prouffitable que nulle autres*. *N.H.L.*, x. col. 2008-11, no. 821 (1421, July 13).

after his capture at the hospital of Notre-Dame at Pontoise in the early 1440s,<sup>40</sup> as he wanted to exchange him with Raoul de Gaucourt who had again been captured by the English.<sup>41</sup> While other minor motives could probably be added to the two broad categories, I believe that this is a comprehensive overview of the principal reasons for the acquisitions of prisoners of war.<sup>42</sup>

### III. Henry V's prisoners of war

We can build up an idea of what contemporaries thought of Henry V's attitude towards prisoners of war by examining the chronicle of the Monk of Saint-Denis, the 'official' chronicler of the French monarchy at that time.<sup>43</sup>

[In the aftermath of Agincourt] The French prisoners who came back to raise the money for their ransom and who had the opportunity to know the character of the king during their captivity, said that this prince, whose answers showed all the appearances of vanity and who usually passed as somebody extremely vindictive, engaged nevertheless in practices worthy of a king and that if he showed no mercy for the rebels, he treated very well and gently those who obeyed him.<sup>44</sup>

These few lines say a lot about the king. Henry is described as proud, pragmatic and merciless, but rewarding to those who obeyed him. It is my intention in this third part to test this rather stern portrait through the practical implications of such characteristics on the issue of prisoners of war. Firstly, I will investigate the two case studies of the prisoners of Harfleur (1416) and Meaux (1422). Secondly, I will proceed to a more general appraisal of his attitude towards both prisoners and captors.

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<sup>40</sup> AN, X1a 4801, fol. 398v-99 (1448, February 26). I have not yet identified this count of Maine.

<sup>41</sup> About his capture in 1440, see Gilles le Bouvier, dit le Héraut Berry, *Les chroniques du roi Charles VII*, H. Couteault, L. Celier & M.-H. Jullien de Pommerol (ed.), Paris, 1979, p. 230.

<sup>42</sup> For an example of a prisoner acquired and used as a spy, see BN, PO 1886, Massy, 3 (1435, January 16). Richard le Roy was acquired by Henry V to sail victuals to Rouen in 1419. TNA, E 101/48/8, fol. 25rv.

<sup>43</sup> According to Curry, the Monk's stance was royalist and patriotic, but not unreasonably so. A. Curry, *The Battle of Agincourt. Sources and interpretations*, Woodbridge, 2000, p. 100.

<sup>44</sup> Saint-Denis, *Chronique*, vi. 163.

### *The prisoners of Harfleur (September 1415)*

The siege of the Norman town lasted five weeks, from 17<sup>th</sup> August to 22<sup>nd</sup> September 1415.<sup>45</sup> The most notable event during the siege was probably the epidemic of dysentery which caused severe losses on Henry's side. The latter made several attempts at negotiation during the siege, but Raoul de Gaucourt, one of the French commanders, remained closed to all his offers, asserting that Charles VI would not leave the place to be besieged for too long.<sup>46</sup> Eventually, however, the defenders decided to enter into negotiations with Henry V, on 18<sup>th</sup> September, as there was no sign of relief.<sup>47</sup> The *Gesta Henrici Quinti* gives a full account of the ceremonial of the surrender, highlighting Henry V's magnanimity.<sup>48</sup> On the other hand, The Great Chronicle of London was less quick to put the English monarch on a pedestal, and emphasised the humiliation of the surrendering captains of Harfleur.<sup>49</sup> According to this source, Raoul Gaucourt and the French lords who made the agreement with Henry V's deputies, came with the keys of the town on the agreed date, and were kept waiting on their knees in adjoining tents to that of the English King who refused to look at them. After the capitulation, Henry reserved for himself not only the two commanders, Gaucourt and Jean d'Estouteville, but also 24 prisoners 'given from the more noble and important among them', plus four other captives.<sup>50</sup> Henry's decision to keep all these prisoners for himself came as a surprise, according to the chronicler Perceval de Cagny, who stated that the king had promised beforehand to surrender these prisoners to his captains.<sup>51</sup> Whether or not this was true, it is interesting to wonder why Henry kept all these men in his hands, many of them being of little value.<sup>52</sup>

Various documents shed light on the fate of these captives. The main source is Gaucourt's statement given at the Court of Requests in Paris, the circumstances of which were a dispute

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<sup>45</sup> About the siege, see Curry, *Agincourt. A new History*, Stroud, 2005, pp. 73-94; J.H. Wylie & W.T. Waugh, *The reign of Henry the fifth*, 3 vol., Cambridge, 1914-29, ii. 32-67. (The fate of the prisoners is also briefly surveyed at pp. 252-3).

<sup>46</sup> Curry, *Agincourt*, pp. 89-90.

<sup>47</sup> Ibid. p. 90.

<sup>48</sup> *Gesta Henrici Quinti. The Deeds of Henry the fifth*, F. Taylor & J. S. Roskell (ed. and transl.), Oxford, 1975, p. 59.

<sup>49</sup> *The Great Chronicle of London*, A.H. Thomas & I.D. Thornley (ed.), London, 1938, pp. 91-3; quoted at length in C.T. Allmand, *Society at War. The experience of England and France during the Hundred Years War*, Edinburgh, 1973, pp. 118-9.

<sup>50</sup> *Gesta Henrici Quinti*, p. 51. The names of 26 prisoners are known through the accounts of their custody.

<sup>51</sup> Perceval de Cagny, *Chronique*, H. Moranvillé (ed.), Paris, 1902, p. 95.

<sup>52</sup> Apart from the captains, two knights, Jean, alias Karados, des Qesnes and Raoul d'Esneval, could certainly be considered as important lords, moving in higher spheres. A. Demurger, 'Guerre civile et changements du personnel administratif dans le royaume de France de 1400 à 1418 : l'exemple des baillis et sénéchaux', *Francia*, 6 (1978), 151-298, at pp. 252, 286-7.

over the debts contracted by Jean d'Estouteville.<sup>53</sup> This piece of evidence gives a deep insight into Henry V's attitude toward his captives.

As the greater part of us were extremely sick, the king of England granted us indulgence, upon us swearing, promising, and sealing an obligation that we would all find our way to Calais, and appear before him on the approaching day of Saint-Martin [November 11]; which engagement we performed. Moreover, having arrived at Calais, D'Estouteville and myself demanded that, as we had fulfilled our engagements, those which had been entered into by those who, on his part, had concluded the treaty of Harfleur, should likewise be kept; but he replied, that whatever these parties might have said to us, we should all remain prisoners.

Unfortunately, the terms of the treaty of Harfleur are unknown.<sup>54</sup> The passage of seventeen French knights, prisoners of Harfleur, at Calais, from 17 November to 10 December is attested in the English accountancy.<sup>55</sup> These captives were taken to England by William Hudestone and kept in the Tower of London, from 18 December 1415 until mid 1417 (with one or two exceptions).<sup>56</sup> The very fortunate Karados Des Qesnes was released on parole on 11 December 1416 in order to raise the money for his ransom.<sup>57</sup> Eight captives were dispatched to the castles of Conwy and Caernarfon.<sup>58</sup> Two others, Ralph de Gale and Colard Blosset were led to the duke of Gloucester in 1420.<sup>59</sup> Three of them were still in the custody of the constable of Conwy in 1423.<sup>60</sup> Eight years after their capture, they were still languishing in prison.

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<sup>53</sup> The date of the statement is unfortunately not specified. At the very least, we can say that the document was made after the 20 December 1435, date of the death of Jean d'Estouteville. The document which is preserved in the *Bibliothèque nationale* (Collection Baluze, no. 544: I have however not been able to find it) has been transcribed and translated in N.H. Nicolas, *History of the battle of Agincourt*, 2<sup>nd</sup> ed., London, 1832, Appendix, pp. 24-8.

<sup>54</sup> Curry, *Agincourt*, p. 91.

<sup>55</sup> TNA, E 101/406/29; also quoted in Wylie & Waugh, *The reign of Henry the fifth*, ii. 252.

<sup>56</sup> *Issues of the Exchequer; being a collection of payments made out of his majesty's revenue, from king Henry IV to king Henry VI inclusive*, F. Devon (ed.), London, 1837, pp. 344-5. The seventeen prisoners of Harfleur were Jean d'Estouteville; Enguerrand de Fourteneiz, Brunet de Longchamp, Thomassin de Tybutot and Pierre de Gauseville, Charles d'Estouteville, Georges de Clère, Robert d'Esnevale and Hector de Boscherville, Guillaume d'Estouteville, Guillaume Crispyn, Aubert d'Evreux, Colard Blosset, Hugues de Sapynes, Raoul de Galles and Guyonnet d'Erneville, Jean Turgeville and Karados Des Qesnes. TNA, E 404/34/260 A, B.

<sup>57</sup> *R.D.K.* 44, p. 586. We learn in a letter of the duke of Burgundy, dated 22 December 1421 that Des Qesnes had to sell his estate of Tramicourt, near Péronne, to pay his ransom. Demurger, 'Guerre civile', pp. 286-7.

<sup>58</sup> *C.P.R. 1416-22*, p. 137.

<sup>59</sup> TNA, E 404/36/159 (1420-1421).

<sup>60</sup> *P.O.P.C.*, iii. 81-2, 96: (1423, May 12, 19).

The story of the other twelve captives is rather dismal. They, too, were allowed back home following the surrender of the town and gave themselves up as prisoners in Calais in November.<sup>61</sup> While the above knights were taken to England, the custody of the other twelve soldiers was entrusted by the treasurer of Calais to Ralph Rocheford, the constable of the castle of Hammes in Normandy, where they remained in captivity for a year and a half.<sup>62</sup> The small sums allocated to their expenses (3s 4d sterlings/ week) suggest that they were lower soldiers. On 6 March 1417, eleven of them however, were, transferred to London to the Fleet prison. Thibaut Reyneville, the missing prisoner, was probably dead at that time.<sup>63</sup> Nothing is known of them for six years until, in 1423, they reappear in a pitiful petition addressed to the duke of Gloucester, stating that they were reduced to begging for their living:<sup>64</sup>

Beg most humbly and in mercy seven poor French prisoners currently detained in the Fleet prison, who were captured at Harfleur... from this time, have been prisoners in great poverty. Please your very humble grace to release them from their prison in which they have been seven and a half year, and during five years of which at the expense of their custodian. For the present, they are living from alms waiting for the grace and pity of God and the king when he was alive. And now he has died... the said grace and pity, you, very powerful lord, please give them to them in the name of Jesus Christ... in consideration that the said poor supplicants came to their prison as they had promised to do when the said town [of Harfleur] was seized.

There were only seven surviving prisoners at the time of this petition. It is likely that four more had passed away. Gloucester acceded to their request as there is evidence of their release on 19 May 1423.<sup>65</sup>

The fate of the two commanders, Gaucourt and Estouteville, is essentially known through Gaucourt's statement. His version of the facts is sometimes supported by one or another administrative record. If they desired their liberation, Henry suggested that they should exert themselves to obtain the release of seven or eight English subjects who were harshly treated

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<sup>61</sup> Ibid., iii. 352-3.

<sup>62</sup> The twelve prisoners were Jean Billy, Huguenyn de Chalons, Jean de Chevers, Regnault de Graincourt, Guillaume Greineville, Hellyn de Bassiers, Pierre de Monbrasean, Thibaut Reyneville Jean de Taillement, Jaket de Vieville, Herlyn de Wasaers and Pierre de Pauniers. TNA, E 101/47/35; *P.O.P.C.*, ii. 205.

<sup>63</sup> At the very least, death was a possibility, as the account of Rocheford recorded the death of a servant.

<sup>64</sup> *P.O.P.C.*, iii. 352-3.

<sup>65</sup> L. Puisieux, *L'Emigration normande et la colonisation anglaise en Normandie au XVe siècle*, Caen, 1866, p. 15; Wylie & Waugh, *The reign of Henry the fifth*, ii. 253.

as prisoners in France. As these prisoners were not of rank equal to theirs, Henry took the opinion of two French and two English gentlemen about the amount of an additional sum to pay. The other French prisoners present in Calais, Orléans, Bourbon, Eu, Vendôme and Boucicaut, all of them advised Gaucourt and Estouteville to accept Henry's conditions, for 'if we did not agree to the conditions of the king, we should run a very great risk of being detained a long time prisoners in England, without having it in our power to obtain our liberty.' Some further terms were added to the final agreement. The two prisoners would also have to recover jewels and other personal belongings that Henry had lost during the battle of Agincourt (i.e. his crown, a cross of gold, very rich stones, a piece of the true cross, the seals of his chancery)<sup>66</sup> and they would also provide the king with 200 casks of Beaune wine.

Even if these conditions were regarded 'as by no means reasonable', the two prisoners accepted the deal, believing that, all things considered, Henry's promise to release them had been pledged before several respectable individuals, both at Calais and London.<sup>67</sup> On 3 April 1416, there is trace of a safe-conduct delivered to Gaucourt which allowed him to go to France and to return to England. It is probably at this point that he started working on the fulfilment of their engagements. Almost a year later, on 25 January 1417, the French prisoner sailed back to England together with several other prisoners under the protection of another safe-conduct.<sup>68</sup> After further great and costly efforts, Gaucourt and Estouteville eventually completed their part of the agreement. Jewels and English prisoners were put in custody in the Tower of London. Four and a half months later, Henry V set these captives at liberty without any consideration for Gaucourt and Estouteville.<sup>69</sup> The English king had unashamedly broken his word and the two Frenchmen would not have any other opportunity to regain their freedom while Henry was still alive.<sup>70</sup> It was only after his death that a project of exchange with the earl of Huntingdon, who had been captured at the battle of Baugé, in 1421, was initiated and eventually completed by 1425.<sup>71</sup>

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<sup>66</sup> About the jewels lost at Agincourt, see Henry's statement on 1 June 1416. *Foedera*, ix. 356-7.

<sup>67</sup> Nicolas, *History of the battle*, Appendix, p. 26.

<sup>68</sup> *R.D.K.* 44, p. 586.

<sup>69</sup> Nicolas, *History of the battle*, Appendix, p. 27.

<sup>70</sup> Curiously, Gaucourt did not make any reference to the diplomatic mission which he had been entrusted with at the beginning of 1417. He was then sent to France to negotiate for peace. The reason for this may be that this mission had nothing to do with the money that Estouteville owed him. *Foedera*, ix. 423-5 (1417, January 18, 25).

<sup>71</sup> As part of this project, they were handed over to John Cornwall as payment of arrears of wages toward the end of 1423 or in 1424. TNA, SC 8/85/4229; *PROME*, x. 172-3 (1423, October). Gaucourt was governor of Orléans in 1425. P. Champion, *Vie de Charles d'Orléans, 1394-1465*, Paris, 1911, p. 183.



### *The prisoners of Meaux (May 1422)*

The fortified market of Meaux surrendered after six or seven months of siege, on 2 May 1422.<sup>72</sup> The treaty of capitulation anticipated that the lives of a dozen French defenders, commanders and powerful lords included, would be at the king's disposal.<sup>73</sup> All the others, between 150 and 250 men, had the assurance that their lives would be spared, but they were compelled to surrender as prisoners of the king none the less.<sup>74</sup> Among the first group of prisoners, we already know the fate of the bastard of Vaurus who was hanged on the very tree where he himself had allegedly hanged numerous innocent people.<sup>75</sup> A man called Grasse who 'blewe and sonned a horne duryng the siege' paid for his insolence with his life.<sup>76</sup> The knight Louis Gaast and the lawyer Jean de Rouvres were taken to Paris where they were tried and sentenced to death.<sup>77</sup> They were beheaded in the Halles of Paris on 26 May 1422. The mode of execution suggests that they had been found guilty of treason. Perron de Luppe, Guichard Chissé, Master Robert de Giresme, bishop of Meaux, Philippe de Gamaches, abbot of Saint-Pharon, and Jean d'Aunay would have their lives spared provided that they handed over all the fortresses that their deputies held in the realm.<sup>78</sup> The prisoners seem to have complied. According to Monstrelet, the fortress of Montaigu was surrendered by the *pourchas* of Perron Luppe, and, according to the Monk of Saint Denis, Gamaches's life was saved thanks to his brother who evacuated Compiègne.<sup>79</sup>

A few days after the surrender of the market, all the French captives were taken to Paris. The journal of the Bourgeois de Paris contains a great deal of information about their transfer.<sup>80</sup> A first convoy of a hundred prisoners, *liez IIII et IIII*, were put in the castle of Louvre in Paris on 7 May and taken to various places in Normandy and England in the following days. Five days later, this convoy was followed by another which included 150 prisoners. The conditions of their transport were appalling. All the prisoners were fettered and piled up like pigs in a ship, apart from the bishop of Meaux and a knight, according to

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<sup>72</sup> About the siege, see Wylie & Waugh, *The reign of Henry the fifth*, iii. 337-57. It also contains a brief account of the fate of the prisoners (at pp. 351-2).

<sup>73</sup> The treaty of surrender is included in the account of Monstrelet, *Chronique*, iv. 93-5. A slightly different version is printed in *Foedera*, x. 212-3.

<sup>74</sup> About the numbers, see Fauquembergue, *Journal*, ii. 44-5 and *Journal d'un bourgeois*, pp. 169-70.

<sup>75</sup> See above, pp. 58-9.

<sup>76</sup> Jean Le Fèvre de Saint-Rémy, *Chronique*, F. Morand (ed.), 2 vol., Paris, 1876-81, ii. 54.

<sup>77</sup> Fauquembergue, *Journal*, ii. 49 (1422, May 26).

<sup>78</sup> Monstrelet, *Chronique*, iv. 95.

<sup>79</sup> *Ibid.*, iv. 96, 101. Luppe was also compelled to drop his claims over the ransom of Pierre de Luxembourg, count of Conversant. *Ibid.*, iv. 93-5. Saint-Denis, *Chronique*, ii. 463.

<sup>80</sup> *Journal d'un bourgeois*, p. 169.

Maupoint.<sup>81</sup> The latter's account is, on the whole, corroborated by some surviving financial and administrative records.<sup>82</sup> Most prisoners were then sent to England in June and July.<sup>83</sup> After a very short captivity in the Tower of London, they were dispatched to various castles in England in July 1422.<sup>84</sup>

Towards the end of the year – after the death of Henry V – the majority of the prisoners were summoned to London.<sup>85</sup> Péron de Luppe received a safe-conduct to cross over to France on 28 November 1422.<sup>86</sup> His movements are unknown after this. On 8 February 1424, the English crown ordered Henry archbishop of Canterbury to send to the Tower of London Robert Giresme, bishop elect of Meaux, who had been put in his custody by the late king.<sup>87</sup> On 1 February 1423, three esquires, Henry Somer, John Scot and John Yerde, were appointed to place in separate prisons all the prisoners of the king who were taken at Meaux, and who were then in the Tower of London, and to treat with them respecting their ransoms.<sup>88</sup> Numerous other prisoners of Meaux had been handed over by the government to Robert Scot, their guardian at the Tower of London, in payment for 'the great expenditures for the keeping of the prisoners under his custody'.<sup>89</sup> On 13 July 1423, they received safe-conducts which were valid for three months in order to go to France and come back to England with their money.<sup>90</sup> On 11 February 1424, once again, Scot was petitioning the King for the issue of new safe-conducts.<sup>91</sup> The example of Scot reveals how the cost of the custody could be a real financial burden and also that the crown was seemingly not a reliable payer with regards to its officers at the Tower of London.<sup>92</sup> On 12 May 1423, the crown ordered Scot to hand over another 50 prisoners of Meaux to the esquire, Christopher Preston, in full payment of £850 due to him by the late king.<sup>93</sup> Soon after, Preston petitioned the duke of Gloucester to provide

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<sup>81</sup> *Ibid.*, p. 170.

<sup>82</sup> TNA, E 101/188/7, fol. 31rv.

<sup>83</sup> Foedera, x. 214-5; *Issues of the Exchequer*, i. 375. On 30 June 1422, 151 prisoners were sent by the earl of Devon into England. *P.O.P.C.*, ii. 335.

<sup>84</sup> Castles of Conwy (12 prisoners), Flint (8), Rhuddlam (20), Caernarfon (20), Nottingham (24), Harlech (30), Chirk (15), Pontefract (6), Kenilworth, (20), Holt (15). *Ibid.*, ii. 335-6 (1422, July 13); Foedera, x. 225-6 (1422, July 4). About their escort, see *Issues of the Exchequer*, i. 374 (1422, July 1), 379 (1423, 2 June)

<sup>85</sup> *C.P.R. 1416-22*, p. 35 (1422, November 8), p. 36 (1422 November 26); *P.O.P.C.*, iii. 27-8 (1423, February 12); *P.O.P.C.*, iii. 61 (1423, March 6).

<sup>86</sup> *R.D.K. 44*, p. 221.

<sup>87</sup> Foedera, x. 318.

<sup>88</sup> *P.O.P.C.*, iii. 23.

<sup>89</sup> Scot petitioned the council on two occasions in 1423 and 1424, asking for the delivery of safe-conducts for his captives *Ibid.*, iii. 11 n., 153-4.

<sup>90</sup> Foedera, x. 297.

<sup>91</sup> *P.O.P.C.*, iii. 137-8.

<sup>92</sup> See also *Ibid.*, iv. 47; Foedera, x. 460.

<sup>93</sup> *P.O.P.C.*, iii. 78-9.

safe-conducts to 9 prisoners who were pledges for others.<sup>94</sup> His request was granted on 8 February 1424.<sup>95</sup> One of the captives, Baudet de la Vallée was still in England in 1431 when he acted as intermediary for the release of Guichard Chissé, who was to be exchanged with Sir Henry Ratford, an English prisoner in France.<sup>96</sup>

### *A ruthless master*

It is hardly surprising that Henry V acquired the commanders of the two places (Harfleur and Meaux) for his prisoners. The seizures of the other French lords such as Giresme, Gamaches, Luppe and Aulnay were also justified in the respect that Henry secured the evacuation of places in their hands (or in the hands of their relatives). However, one cannot ignore the monarch's ruthlessness in dealing with them. Where other princes released prisoners in exchange for a town or fortress, Henry threatened to kill them if they did not comply with his orders and ransomed them afterwards. This practice was particularly unchivalric. In the same vein, we have also seen how Henry exploited the trust that Gaucourt and Estouteville had misplaced in his word.

Why did Henry burden himself with the mass of the lesser French combatants of Harfleur and Meaux? Some preliminary remarks need to be made before trying to answer this question. Firstly, it must be highlighted that the lesser prisoners of Harfleur and Meaux did not procure any political or financial profit.<sup>97</sup> Secondly, in dispatching the prisoners of Meaux to various places throughout England and Wales in July 1422, Henry V clearly showed his intention to keep them in captivity for an undetermined period of time. Otherwise, they would have stayed in London. Thirdly, we have seen how some prisoners of Harfleur were forced to beg for food and lodgings in the English prisons, while a large part of the prisoners of Meaux were eventually handed over to their guardian to pay the expenses of their custody. Fourthly, we have also noted how the problems raised by the custody of these prisoners materialised straight after the death of Henry V. The council which gathered around the infant Henry VI saw no interest at all in keeping these men, who represented nothing else in their eyes but a financial burden. Finally, the very fact that captors and prisoners did not petition the

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<sup>94</sup> Ibid., iii. 78, n. 1.

<sup>95</sup> Ibid., iii. 135-6.

<sup>96</sup> TNA, SC 8/302/15064; *R.D.K.* 48, p. 279 (1431, May 7).

<sup>97</sup> According to Tuetey (Fauquembergue, *Journal*, ii. 45 n. 2) and Wylie & Waugh (*The reign of Henry the fifth*, ii. 253-4), the prisoners sent to England were those out of which there was hope to squeeze a good ransom. This assumption however proves to be wrong.

authorities while Henry V was still alive points to the fact that they had no hope that the king would show any lenience toward them.

Several factors may explain Henry's attitude toward these prisoners of war. Particular circumstances need to be taken into account. On both occasions, Henry was commanding the army in person and, what is more, the garrisons of both places showed strong resistance. This could be perceived as an attack on the honour of the commander – i.e. Henry himself. According to Keen, 'a prince who had once summoned a town had committed his reputation and honour to entering it. What this meant was that any attempt to thwart him was an offence against his "majesty"; and offences against majesty were not to be taken lightly.'<sup>98</sup> The ceremonial for the surrender of Harfleur, as depicted in the Great Chronicles of London, suggests that Henry's honour was hurt on that specific occasion. This was also the case at Meaux. We have seen how Grasse's horn during the siege was perceived by Henry as an insult and how the king had him executed at the surrender of the market. Henry also showed strong vindictiveness towards others of the garrison who took an ass on to the ramparts and beat him till it brayed, calling out to the English that they ought to come and rescue their king.<sup>99</sup> Besides this question of honour, there was also anger and frustration. On both occasions, English losses were heavy.<sup>100</sup> Among the dead were eminent English lords like Richard Courtenay, the bishop of Norwich, and the Earl of Suffolk at Harfleur as well as the Earl of Worcester and Lord Clifford at Meaux.<sup>101</sup> Many soldiers fell ill during the siege of Harfleur and had to be sent home.<sup>102</sup> And it is probable that Henry contracted the illness of which he prematurely died in August 1422 during the siege of Meaux. These certainly are aggravating circumstances which, at least, partly explain Henry's harshness toward his captives. This manner of dealing with them was also intended to serve as a warning should other places show such a strong determination in resisting him.

These two well-documented cases heavily underline the harsh features of the Monk's portrait. What is more, Henry's behaviour towards Gaucourt and Estouteville even challenges his reported fairness. It is important to note here that these cases were probably no exception to the rule. The cold pragmatism of the English monarch manifests itself in other instances. If

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<sup>98</sup> Keen, *The laws of war*, pp. 131-2.

<sup>99</sup> Monstrelet, *Chronique*, iv. 93.

<sup>100</sup> The registers of invalids preserved in the Exchequer testify that at least 1,700 men had to be sent back home after the siege. TNA, E 44/30/1; 45/1; as cited in *Gesta Henrici Quinti*, p. 58 n. 5.

<sup>101</sup> Wylie & Waugh, *The reign of Henry the fifth*, iii. 348-9.

<sup>102</sup> Curry, *Agincourt*, p. 85

contemporaries did not blame the English king for having slaughtered prisoners at Agincourt in order to dissuade the French from carrying on the fight, this ruthless tactical option was very unusual.<sup>103</sup> As a general rule, Henry was particularly harsh in his treatment of the surrendering French garrisons during the invasion. Many a Frenchman was put at the king's mercy, without being ensured that his life would be spared.<sup>104</sup> It was not uncommon to see these prisoners begging the English captain who sealed the treaty to intercede with the king in their favour.<sup>105</sup> Yet, some of these prisoners could simply not escape death, like Grasse, Vaurus or Nicole du Carret, marquis de Savonne, and his men captured at the surrender of the castle of Rougemont in the early 1420s.<sup>106</sup> One final example of Henry V's behaviour towards the enemy was his treatment of the surrendering garrison of the castle of Falaise who were compelled to rebuild the fortification of the fortress that his own army had destroyed.<sup>107</sup>

Finally, it must be noted that Henry's behaviour toward the captors of these prisoners clearly shows some signs of authoritarianism and unfairness. As we have noted earlier, Perceval de Cagny reported that the English king broke his promise to hand over the prisoner of Harfleur to his captains. Unlike his predecessor, Edward III, Henry V does not seem to have been a good payer after Agincourt.<sup>108</sup> In particular, John Cornwall, acknowledged as the captor of the count of Vendôme, was deprived of his prisoner after the battle without any compensation. He had to wait for about eight years and for the death of Henry V to obtain reparation. Towards the end of 1423, the council delivered Vendôme to Cornwall, 'together with the arrears of his ransom' and they also agreed to pay him for his expenses in his long

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<sup>103</sup> About this 'massacre', see Curry, *Agincourt*, pp. 212-21. Curiously enough, Curry does not however make any reference to the logistic observations of John Keegan who reduced the extent of the killings to, at most, a few hundred people. J. Keegan, *The Face of Battle*, Harmondsworth, 1978, pp. 107-12; C.T. Allmand, *Henry V*, London, 1992, pp. 93-5; R. Ambühl, 'The prisoners of Agincourt. Ransoming in the late Middle Ages', University of Nottingham, unpublished MA by Research, 2004, pp. 10-11.

<sup>104</sup> See, for example, *Rotuli Normanniae in Turri Londinensi*, T. D. Hardy (ed.), London, 1835, p. 303 (1418, February 2); 'Roles normands et français et autres pièces tirées des archives de Londres par Bréquigny en 1764, 1765 et 1766', *Mémoires de la Société des Antiquaires de Normandie*, 3e sér., 23 (1858), pp. 19-20, no. 131 (1418, May 4). It is interesting to note that Henry masterminded the negotiations even when he was not present at a siege. This is highlighted in the treaty for the surrender of the castle of Neuilly-l'Évêque sealed by Umfraville, on Henry's behalf, and the French captain of the fortress in May 1418. It is clearly stipulated in the document that the said captain and four other people who had previously been sent to Bayeux before Henry V during the time of the negotiations would be put at the king's mercy. 'Roles normands', p. 22, no. 142 (1418, May 15).

<sup>105</sup> *Rotuli Normanniae*, p. 303 (1418, March 6); 'Roles normands', pp. 44-5, no. 268 (1419, January 23).

<sup>106</sup> Berry, *Les chroniques*, p. 83.

<sup>107</sup> Treaty of surrender of the castle of Falaise was sealed on 1 February 1418. *Rotuli Normanniae*, pp. 308-12. Mauny, prisoner of the king, received a safe-conduct in order to collect material for the restoration of the castle on 10 February 1418. *Rotuli Normanniae*, pp. 245-6; R. A. Newhall, *The English Conquest of Normandy, 1416-1424. A Study in Fifteenth-Century Warfare*, New Haven and London, 1924.

<sup>108</sup> Ambühl, 'The prisoners of Agincourt', p. 36.

suit for the recovery of his prisoner.<sup>109</sup> The case of Agincourt was seemingly not unique. There are records from the reign of Henry VI (date unknown) of a petition of an English knight, Thomas Blount, who requested the king's letters patent under the seal of the Duchy of Lancaster granting him £400 yearly (from various land revenues) until he had been awarded £3,333 (5,000 marks sterling). Blount had been dispossessed of his prisoner, Sir Reginald Gerard, a French knight, on Henry V's order, for which he had been promised £3,333 (5,000 marks sterling), but had received nothing.<sup>110</sup>

His very authoritative and uncompromising way to deal with the issue of prisoners of war is rather specific to him. Even when he did not acquire the prisoners taken by his men, Henry V was more involved than any other monarch in their ransom business. In the aftermath of Agincourt, for instance, he ordered the sheriffs of London to forbid any release of French captives without his leave and we see him receiving some of these prisoners in the hands of his men at his court.<sup>111</sup> This strong inclination for control makes one wonder whether the ordinances proclaimed in Normandy shortly after his death which banned the ransoming of Norman prisoners of war had not been designed by him.<sup>112</sup> From this perspective, the failure of their implementation and their multiple revisions, after his death, show the end of his era of strong and uncontested leadership. Shortly after his death in July 1422, prisoners, captors and guardians petitioned the new government seeking liberty, compensation or payment which they had been denied in Henry's lifetime.

#### **IV. In the Hundred Years War**

Emphasising Henry V's personality and singular approach to prisoners of war tends to bring the whole question of crown interference down to individuals and particular circumstances. It was arguably Henry's strong character, his successes at war and the support of parliament which shaped his attitude towards the issue of prisoners. Following the same logic, a weaker leadership would result in a looser hand on prisoners of war. The first half of the reign of Charles VII, for example, demonstrates this point. In fact, the most compelling

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<sup>109</sup> *POP.C.*, iii. 126 (1423, November 11); See also A. C. Reeves, *Lancastrian Englishmen*, Washington, 1981, pp. 156, 169.

<sup>110</sup> TNA, SC8/332/15712 AB.

<sup>111</sup> See his orders to the sheriff of London not to allow any French prisoner leave the country without his consent in the aftermath of the battle. *C.C.R. 1413-19*, p. 355. Also, several prisoners in private hands were sent to the king in London two months before their ultimate release. TNA, C 76/98, m. 6; *R.D.K.* 44, 575; *Foedera*, ix. 323 (1415, December 6); Ambühl, 'The prisoners of Agincourt', p. 126.

<sup>112</sup> See above, pp. 51-2.

piece of evidence dates back to his years as dauphin of Viennois. Finding himself in a particularly vulnerable position in the early 1420s, the dauphin (future Charles VII) heavily relied on the military support of his Scottish allies to contain the English advance in France. This alliance was so valuable to the French that, in April 1420, Burgundian prisoners taken at the storming of the town of Vallières were handed over to the Scots ‘in order to always maintain them in the service of the king [Charles VI], our lord, and my lord the regent [the dauphin]’.<sup>113</sup> In the difficult political situation of those troubled years, it was thought to be in the interest of the French crown to give way to the private interests of its Scottish allies. It is interesting to compare this with Charles V’s rough handling of his Castilian allies after the battle of Soubise in August 1372.<sup>114</sup> In order to silence the Castilians’ claims to the ownership of the captives, Charles V ordered the brothers Montmor to take all the said prisoners and their French and Welsh masters to a ship which lay off the isle of Oléron. The prisoners were then transferred to Paris and passed to the French king. This case highlights the strength of the French crown in the Franco-Castilian alliance in contrast to the situation in the early 1420s when France was in a period of difficulty.

The difficult situation of the French crown in the 1420s and early 1430s can also be seen through the number of English prisoners of ‘public standing’ who remained in private hands. John Beaufort, earl of Somerset, Thomas, his younger brother, and John Holland, count of Huntingdon, had all been taken prisoner at Baugé, in March 1421.<sup>115</sup> All of them remained in the hands of their Scottish captors,<sup>116</sup> despite the pressure exerted by the duke of Orléans on the dauphin to organise an exchange between him or his younger brother, who were detained in England, and these English prisoners.<sup>117</sup> Such a deal was seemingly not in the power of the dauphin. The latter did seal a contract with the Scottish knight Laurent Vernon for the

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<sup>113</sup> ... *que mondit seigneur de Vertus avoit donnez ausdiz escossoys se la dicte place de Vallieres pouvoit par eulx ester prinse d’assault, affin de tousjours les entretenir ou service du Roy notre seigneur et de monseigneur le regent...* BL, Add Ch 11459 (1420, April 30).

<sup>114</sup> See AN, J 475, no. 100, no. 1-7; published in *Chronique des règnes de Jean II et de Charles V*, R. Delachanal (ed.), 4 vol., Paris, 1910-20, iii. 163-8.

<sup>115</sup> About the battle of Baugé and the capture of the prisoners, see J. D. Milner, ‘The Battle of Baugé, March 1421: Impact and Memory’, *History*, 91 (2006), 484-507.

<sup>116</sup> Sir Thomas Beaufort was in the hands of John Stuart, Earl of Buchan, in the aftermath of the battle. BL, Add Ch 3552 (1421, May 23); BN, PO 2239, Perrier, 28 (1421, May 26). He had passed into the hands of Tanguy Du Châtel by February 1431, when he eventually became part of an agreement for the release of Angoulême (which failed). BL, Add Ch 3655 (1431, February 28). John Holland, count of Huntingdon was detained by the earls of Douglas and Buchan and later sold to Louis de Bourbon, count of Vendôme. *PROME*, x. 250-2 (1425, April); G. Du Fresne de Beaucourt, *Histoire de Charles VII*, 6 vol., Paris, 1881-91, i. 220.

<sup>117</sup> BL, Add Ch 297 (1421, April), 306 (1422, July 10).

acquisition of Somerset, but this agreement ultimately failed.<sup>118</sup> Many other prestigious English captives remained in private hands during those difficult times for the French monarchy.<sup>119</sup>

I hope to have demonstrated through the examples of Henry V and Charles VII's dealing with prisoners of war that crown interference largely depended upon individual leadership and political circumstances. The situation depicted by the sources seems to show that sovereigns had a good idea of the extent of their power in these matters. It is hardly believable, however, given the high financial expectations of the soldiers, that the authority of the crown was never challenged on the delicate issue of ransoming. In one particular instance which will be investigated here the sources reported a serious dispute between Henry IV and the Percys over the question of the prisoners of Homildon Hill.<sup>120</sup> To summarise this well-known episode, Henry Percy, earl of Northumberland and his son Henry 'Hotspur' inflicted an overwhelming defeat on the Scots at Homildon Hill in 1402, where numerous important Scottish lords were captured.<sup>121</sup> Eight days later, Henry IV ordered that none of the prisoners were to be

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<sup>118</sup> There is evidence of an agreement in AN, K 168, no. 92 as cited in Berry, *Les chroniques*, p. 101, n.1. A first instalment of £1,760 (8,000 golden crowns) would have been paid to Vernon in 1423. Bibl. de l'Arsenal, ms. 4522, fol. 18vo-19ro. However, there is evidence of payments to Vernon for the ransom of his prisoner in 1425 and in the 1440s. AN, X1a 9190, fol. 348vb-349r (1425, June 23). AN, J 919, fol. 15v-16 (1447, December 22), fol. 17v-18v (1444, August 15). Somerset was seemingly still in the hands of Vernon when he was exchanged with the count of Eu in 1438. About this exchange, see Beaucourt, *Histoire de Charles VII*, iii. 16; M. K. Jones, 'John Beaufort, duke of Somerset and the French expedition in 1443', in R.A. Griffiths (ed.), *Patronage, the Crown, and the Provinces*, Gloucester, 1981, 79-102, p. 81; G. Harris, *Cardinal Beaufort. A study of Lancastrian Ascendancy and Decline*, Oxford, 1988, p. 280.

<sup>119</sup> Pierre de Luxembourg, count of Conversan, was in the hands of Perron de Luppe, when he was forced to release him in 1422. Sir Thomas Rempston was ransomed (£3,960 - 18,000 crowns) by Tanguy Du Châtel in 1436 and Sir Walter Hungerford (£3,960 - 18,000 crowns), by Jacques de Dinan, lord of Beaumanoir by February 1433. Dinan ultimately lost the ownership of his prisoner and was compelled to pay compensation to Matthew Gough and the duke of Alençon. Sir Thomas Scale was in the hands of an association of soldiers in 1431. However, Sir John Talbot was purchased by Georges de la Trémoille, on Charles VII's behalf, in March 1431. See Monstrelet, *Chronique*, iii. 409; Bolton, 'How Sir Thomas Rempston', pp. 102-18; *P.O.P.C.*, iv. 149-50 (1433, February 18); G. Little, *The Parlement of Poitiers*, London, 1981, pp. 173-4; AN, 1 AP/175, no. 27 (1431), no. 28 (1431, July 15).

<sup>120</sup> About this well-known episode, see, for instance, J. M. W. Bean, 'Henry IV and the Percies', *History*, 44 (1959), 212-27, at pp. 224-5. This factor is however played down in P. McNiven, 'The Scottish policy of the Percies and the strategy of the rebellion of 1403', *Bulletin of the John Rylands University Library*, 62 (1979-80), 498-530.

<sup>121</sup> Among others, Archibald, fourth earl of Douglas, Murdoch Stewart, second duke of Albany, Thomas Dunbar, second earl of Moray, Sir Thomas Erskine and his son Robert, Sir John Montgomery, Sir William Graham, William Seton, Henry Sinclair. M. H. Brown, 'Douglas, Archibald, fourth earl of Douglas, and duke of Touraine in the French nobility (c.1369-1424)' [<http://www.oxforddnb.com/view/article/7862>], *O.D.N.B.*, online ed., 2006; A. J. Macdonald, 'Dunbar, George, ninth earl of Dunbar or of March (c.1336-1416x23)' [article/54172]; S. I. Boardman, 'Erskine family (per. c.1350-c.1450)' [article/54181]; C. A. McGladdery, 'Graham family (per. c.1250-1513)' [article/54211]; H. L. MacQueen, 'Montgomery family (per. c.1350-c.1485)' [article/54294]; Barbara E. Crawford, 'Sinclair family (per. 1280-c.1500)' [article/54321]; M. H. Brown, 'Stewart, Murdoch, second duke of Albany (c.1362-1425)' [article/26499]. All these articles have been accessed on 6 March 2009.



ransomed without his permission and instructed the captors to surrender them to him.<sup>122</sup> This order was bitterly resented by the Percys. The earl complied with the king's order, but Hotspur refused to part with his captives, who included Archibald, fourth earl of Douglas.<sup>123</sup> There is no room here to consider the political context of this business in detail. However, Henry IV's way of dealing with the issue of Scottish prisoners of war deserves close attention.

Firstly, it is significant to note that it was not the first time that Henry IV interfered in the ransoming of Scottish prisoners. Two years previously, on 30 October 1400, he ordered the earl of Northumberland to prevent those who had captured several Scottish 'captains and leaders of men at arms' at the battle of Reidswire from ransoming them.<sup>124</sup> The captors were required to keep them in custody until further notice. Three days later, a sergeant-at-arms received an order to bring some of these captives 'with all speed to the king's person'.<sup>125</sup> Two years later, on 9 November 1402, only a few months after the defeat of Homildon Hill, two of these prisoners, Richard Rutherford, a knight, and his son Gilbert, who were in custody at the Tower of London were delivered to the earl of Northumberland at the king's behest.<sup>126</sup> Northumberland was expected to keep them safe until they would do their homage as they had offered to become the king's lieges. Secondly, Henry IV's order concerning the prisoners of Homildon Hill needs closer examination. Beside his ban on the ransoming of the captives, the king thought it necessary to specify that it was not his intent that 'the earl or any other liege be hereby barred or defrauded of any right, now or hereafter, claimed upon the person or property of any such prisoner of war'.<sup>127</sup> Thirdly, it must be noted that the king did not make further claim on Hotspur, who owned the most prestigious captive, the earl of Douglas. What is more, Henry even granted the earldom of Douglas and all the lands of Archibald and his mother to Hotspur's father, in March 1403.<sup>128</sup>

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<sup>122</sup> *C.C.R.*, 1399-1402, p. 552; as cited in Bean, 'Henry IV', p. 224.

<sup>123</sup> This episode is reported in John Hardyng, *Chronicle*, H. Ellis (ed.), London, 1812, p. 360-1; Bean, 'Henry IV', p. 225.

<sup>124</sup> *C.C.R.*, 1399-1402, p. 220 (1400, October 30). About this battle which was fought on 6 October 1420, see Adam Usk, *Chronicle, 1377-1421*, C. Given-Wilson (ed.), Oxford, 1997, p. 101 and n. 4.

<sup>125</sup> *Ibid.*, p. 226 (1400, December 2).

<sup>126</sup> *C.C.R.*, 1402-5, p. 2 (1402, November 9).

<sup>127</sup> There is evidence of a grant to William Lillebourne and his heirs, in recompense of what he should have had from the king for the ransom of the Earl of Moray, late his prisoner, of all lands late of Henry Percy, earl of Northumberland in the town of *Famvun* by *Chyvyot* on 5 July 1405. *C.C.R.*, 1405-8, p. 68.

<sup>128</sup> About the capture of Douglas and his participation in Percy's rebellion, see M. Brown, *The Black Douglasses. War and Lordship in Late Medieval Scotland 1300-1455*, Lancaster, 1998, pp. 105-6.

What can we deduce from these observations? Bean saw Henry IV's order relating to the prisoners as an act of 'jealousy of their achievement as much as a determination to assert the rights of the crown'.<sup>129</sup> In the light of the events in 1400, one may also argue that Henry followed a political line of conduct towards Scottish prisoners, acquiring them in the hope of making them change allegiance or to secure political advantages.<sup>130</sup> This matter of common good probably prevailed over private interests in his mind, but Henry knew that he had to handle the captors carefully and respect their rights. That the king thought it was necessary to reassure them in his order is significant. Hotspur's refusal to obey the orders and Henry's ensuing drop of his claim are even more significant. Unlike his successor, Henry IV seems to have felt the need to make concessions. Perhaps we should see in these concessions the sign of his weak position as a usurper? In comparison, the way Edward III dealt with the issue of prisoners of war captured at Neville's Cross was far more resolute.<sup>131</sup> In the aftermath of the battle, the English king issued a series of similar writs prohibiting the release of the Scottish prisoners and ordering the captors to bring them to London. Despite his orders, some captives were however released (or 'escaped') for a quick profit, much to Edward's fury. The Englishmen who were responsible for their escape were imprisoned and forfeited their goods to the king (although most of them seem to have been pardoned). Apart from some exceptions, most prisoners were handed over to Edward in London by early 1347, in return for some compensation. Eventually, the king's acquisition and handling of these captives secured peace and stability on the Anglo-Scottish border for more than four decades. Unlike Henry IV, Edward's authority was firmly established and this enabled him to work on 'the Scottish question' to his liking. Nevertheless, there is no surprise really that clashes between public and private interests took place on the volatile ground of ransoms and prisoners. The late medieval combatant watched jealously over his private rights to ransoms and prisoners. This is evident in the numerous legal suits between rival claimants. In such a context, it is even surprising that there were not more clashes with the authorities in the sources.

The English government may have always been more involved than the French crown in the control and acquisition of prisoners of war. Indeed it is not inconceivable that their early military successes at the beginning of the war induced this approach to the question of

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<sup>129</sup> Bean, 'Henry IV', p. 224.

<sup>130</sup> In return for his release, Douglas sealed an indenture with Henry IV, becoming the 'king's man' in 1407. Brown, *The Black Douglasses*, p. 109.

<sup>131</sup> This commentary on the prisoners of Neville's Cross is drawn from Bériac-Lainé & Given-Wilson, 'Edward III's prisoners', pp. 809-14.

prisoners. However, the part played by circumstance and individuals should not be underestimated. Sovereigns were, in theory, almighty. Since military service was remunerated, they needed a constant flow of cash, which all too often dried up. The crown thus relied on the profits of war as an incentive to recruit soldiers. On no account, could they ignore this and it most probably never occurred to any king to try to control the whole business of prisoners of war. Even during the reign of Henry V, arguably the strongest leader throughout the Hundred Years War, it must be remembered that the great majority of prisoners remained in the hands of private masters.

## Part II

# THE PROCESS OF RANSOMING

The second part of this thesis is devoted entirely to the process of ransoming which has developed within the legal framework described in Chapter one. This process has already been the subject of several studies, as I have mentioned in the introduction. It is imperative, therefore, when treating it to avoid repetition. For example, I have decided to leave aside the subject of transfers of prisoners from captors to masters. This has already been closely examined and I do not believe that my sources allow me to make any substantial addition to our knowledge of it.<sup>1</sup> In the next three chapters, which comprise this second part, I will focus on the experience of the men and women involved in the ransoming process. At this level, it is important to stand back from the legal issues. The ransom system is not just made of a series of legal documents (contracts of ransom, obligations and safe-conducts), as Keen's model suggests.<sup>2</sup> Masters and prisoners faced many different practical issues and questions resulting from the private handling of the ransoming process. How powerful was the prospect of ransom in the soldier's mind? What impact did it have on the capture of prisoners? What were the circumstances of the capture? Where was the prisoner detained? How was the amount of the ransom fixed? What happened if the prisoner could not afford his ransom? What were the obstacles to the smooth running of the process?

It is in addressing these questions that we will be able to get a clear picture of the harsh world of ransom business in the late Middle Ages. Chapters 4 (Capture and captivity) and 5 (Ransom agreement) take the point of view of the master rather than the prisoner. They explore the issues faced by the master, who was confronted with the conflicting interests of

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<sup>1</sup> We have already treated kings' purchases of prisoners in Chapter 3. See also on the same topic, the 'marché des rançons' in Bériac-Lainé & Given-Wilson, *Les prisonniers*, pp. 168-95. About the transfers of prisoners between private individuals, see my article on the share of the profits between the masters of Agincourt. Ambühl, 'A fair share of the profits?', pp. 129-50.

<sup>2</sup> Keen, *The laws of war*, pp. 167-9.

the crown, his allies and the prisoner. The strong desire to secure the most advantageous deal however led him to make compromises and find adequate solutions. Finally, Chapter 6 is devoted to the particular issue of connections between enemy territories. Building bridges with friends and relatives of the prisoner and conveying money are fundamental parts of the ransom business. However, as we will see, they were relatively insecure. Finally, I will review the whole process of ransoming in a general conclusion.

## Chapter 4

# *Capture and captivity*

## I. The capture: context, rules and practices

### *The prospect of profits*

Almost all the chroniclers who reported the English campaigns in France in the 1340s and 50s commented on the great fortunes made from the war.<sup>1</sup> Some of them told the stories of poor nondescript soldiers, like Robert Knowles and John Hawkwood, who rose to prominence through their proceeds of war.<sup>2</sup> The element of truth in these sources is relatively hard to identify.<sup>3</sup> At any rate, that such stories were credible is indicative of the times and mentalities.<sup>4</sup> The great lure of profits from ransoms and booty had caught the soldier's imagination in this early stage of the war. Froissart says that, when the news of England's great expedition of 1359 became known, knights, esquires, and men-at-arms flocked to Calais to await the arrival of the English king. Some came 'to advance their honour' but others 'to loot and pillage the fair land and plenteous realm of France'.<sup>5</sup> This dream of fortunes was at the origin of the 'gold rush' in France in the 1360s, as described by Sir Thomas Gray in his *Scalacronica*.<sup>6</sup>

They came in astonishing numbers, all of them on their own account without any leader... And yet they were nothing but a gathering of commoners, young men,

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<sup>1</sup> J. Barnie, *War in Medieval Society. Social Values and the Hundred Years War, 1337-99*, London, 1974, pp. 33-5.

<sup>2</sup> Ibid., p. 36.

<sup>3</sup> Perhaps this phenomenon should be linked with the 'rise of the esquires' that has recently been investigated by several historians. This assumption would emphasise the role of the war in this rise of the esquires at the expense of the lands. P.R. Coss, 'The formation of the English gentry', *Past and Present*, 147 (1995), 38-64; Idem, 'Knights, esquires and the origins of social gradation', *T.R.H.S.*, 6<sup>th</sup> series, 5 (1995), 156-68; A. Ayton, 'Knights, Esquires and Military Service: The Evidence of the Armorial Cases before the Court of Chivalry', in *The Medieval Military Revolution: State, Society and Military Change in Medieval and Early Modern Europe*, A. Ayton & J.L. Price (ed.), New-York, 1995, pp. 81-104. M. Keen, *Origins of the English gentleman. Heraldry, Chivalry and Gentility in Medieval England, c.1300-c.1500*, Stroud, 2002, chap. 5.

<sup>4</sup> Barnie, *War in Medieval Society*, p. 36.

<sup>5</sup> Froissart, *Oeuvres*, vi. 186; Barnie, *War in Medieval Society*, p. 34.

<sup>6</sup> Sir Thomas Gray, *Scalacronica, 1272-1363*, A. King (ed. and transl.), Woodbridge, 2005, pp. 153, 157.

who until this time had been of but little account, who *became exceedingly rich* and [gained] expertise from this war.<sup>7</sup>

By the end of the fourteenth century, the excessive materialism of the soldiers had become the new and main criticism of warfare in England.<sup>8</sup>

The English profits of war had also caught the imagination of the French. During a war council held at Paris around September 1373, while the duke of Lancaster was raiding the French countryside, Bertrand Du Guesclin is supposed to have made the following remark: ‘these [English victories] have damaged too much your realm and the nobles which took part in it took so much pride that they praise no other nation than theirs because of the great ransoms that they got which enriched and emboldened them.’<sup>9</sup> English greed was also condemned during the council of Arras, in 1435, where some Frenchmen suggested that the English had come to occupy France largely in order to grow wealthier.<sup>10</sup> On no account, should it be deduced, however, from these observations that soldier’s greed was exclusively English.<sup>11</sup> This was a characteristic of the late medieval combatant. The quest for profits was nothing but legal and even honourable for the late medieval Burgundian knight Gillebert de Lannoy. In his *Enseignements paternels*, he taught his son that ‘in the effort of war, it may happen to a wise, courageous and virtuous man that he takes a prisoner of so great wealth of land and lordship that he will be and remain rich for the rest of his life and those of his heirs.’<sup>12</sup>

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<sup>7</sup> In French, *devindrent pussantz d’avoir* which King translates as ‘have great standing’. Maxwell’s translation ‘became exceedingly rich’ is, in my mind, more adequate. Sir Thomas Gray, *Scalacronica. The reigns of Edward I, Edward II and Edward III recorded by Sir Thomas Gray*, H. Maxwell (transl.), Glasgow, 1907, p. 131.

<sup>8</sup> N. Saul, ‘A Farewell to Arms? Criticism of Warfare in the Late Fourteenth-Century England’, in C. Given-Wilson (ed.), *Fourteenth Century England*, ii, Woodbridge, 2002, 131-46. According to him, the group that the writers of complaint literature had in mind when criticising knightly misconduct was not the established county knights, but the freebooters who caused much unrest in France in the 1360s. What the English historian rightly points out here is the origin of the ‘misconduct’, that is, the freebooters. On the other hand, not to include the whole military society in the criticism would necessarily imply that there was a clear distinction between these freebooters and the soldiers fighting for the crown, which there was not. See K. Fowler, *Medieval Mercenaries, i. The Great Companies*, Oxford and Malden, 2000, pp. 297, 323-8.

<sup>9</sup> F. Autrand, *Charles V le Sage*, Paris, 1994, pp. 599-600.

<sup>10</sup> Allmand, ‘War and profit’, p. 769.

<sup>11</sup> Charles V’s ordinances of war which were aimed at reorganising the army and restoring the discipline showed however that the lure of profits had spread within the retinues. See the texts in Bessey, *De la France*, pp. 68-85. Contemporary literature after the disaster of Agincourt also condemned soldiers’ indiscipline and the terrible acts of brigandage they committed. Contamine, *War in the Middle Ages*, p. 280. Curry, *The Battle of Agincourt*, p. 336.

<sup>12</sup> Extract from ‘Les enseignements paternels’ in *Œuvres de Ghillebert de Lannoy: voyageur, diplomate et moraliste*, Ch. Potvin & J.-C. Houzeau (ed.), Louvain 1878, p. 471.

### *The government's stance*

The crown faced a difficult challenge at this time. On one hand it was imperative to preserve the enticement for war among its soldiers. However, on the other hand, it needed to ensure that the pursuit of material gains did not compromise the larger public interest, which it so often did. The threat that this individual quest for booty and ransoms posed to the success of all sorts of military operations is abundantly illustrated in *Le Jouvencel*.<sup>13</sup> In 1435, Sir John Fastolf even implied in a memorandum that the tide was running against England because her captains were spending too much time seeking their own profit rather than striving for a successful military occupation.<sup>14</sup>

The need to maintain this incentive for soldiers prompted a rather ambiguous stance towards this issue on the part of the English government. Faced with the need to deal with freebooters who broke the terms of the treaty of Brétigny (1360), Edward III felt obliged to threaten them with penalties if they failed to stop their activities.<sup>15</sup> Once the war had officially resumed, however, Edward used the soldier's greed to wage war at a lower cost: for example, indentures of war anticipated that the English contingent led by Robert Knowles in 1370 was no longer paid by the crown once it had landed in France and was expected to finance itself from the proceeds of ransoms.<sup>16</sup> In the same vein, it is probably not going too far to assume that the crown's awareness of the powerful enticement that the prospect of ransom represented was at the origin of the change in the terms of the indentures of war that has been observed by Bean and Ayton.<sup>17</sup> As we have mentioned earlier, the *restauro equorum* was no longer included in indentures of war by the 1360s-70s; in return, the superior contracting party dropped its claim from half to a third of the profits of war of their men.

The government did, however, take measures to control the soldier's greed in warfare. In open field battles, for instance, the leader may have ordered his soldiers at the outset of an encounter not to take prisoners until victory was secured. In Francoise Bériac Lainé and Chris Given-Wilson's minds, 'it was perhaps the single most important task of the medieval battlefield commander to do his best to ensure that this quest for individual profit was

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<sup>13</sup> *Le Jouvencel*, i. 65, 108, 145, ii. 17, 125-6, 129.

<sup>14</sup> Allmand, 'War and profit', p. 769.

<sup>15</sup> See Edward III's letter to English captains published in Allmand, *Society at War*, pp. 92-3.

<sup>16</sup> J.W. Sherborne, 'Indentured retainers', p. 7; see also the comment of Fowler, *Medieval mercenaries*, pp. 289-90.

<sup>17</sup> See above, p. 14.



subordinated to the collective discipline of the army.’<sup>18</sup> A battle-plan drawn up by John the Fearless, duke of Burgundy in 1417, as he was preparing to face the Armagnacs near Paris, anticipated that the soldier who would disobey the order not to take a prisoner ‘until it was fully seen that the field was won faced the penalty of death if he refused to give his prisoner up at once.’<sup>19</sup>

In addition to this safety measure, some ordinances of war promulgated by the English kings also provided rules regarding the capture of prisoners, which were designed to encourage the soldiers’ return to the battlefield once they had captured a prisoner. In the Durham ordinances of 1385, the soldier was strongly encouraged to take his faith, and, if he decided not to keep his prisoner in custody and go ahead in the pursuit of the enemy, at the very least, to bring with him evidence of the capture (for example in seizing the bassinet or gauntlet of the captive).<sup>20</sup> If, however, he failed to take the faith of the prisoner, he would still be entitled to half the ownership of the prisoner. (The other half belonged to the soldier who found and kept the prisoner afterwards.) One might however wonder, in this instance, how the combatant could prove that he had indeed captured the prisoner in the first place. The Mantes’ ordinances of 1419 include the same article, according to which the initial captor who had left his prisoner without having taken his word of honour was entitled to half the ownership of the said captive.<sup>21</sup> Paradoxically enough, a second article of the same set of ordinances established that the prisoner belonged to the man who first took his faith.<sup>22</sup> No one else could take him for his prisoner unless the said prisoner was found afterwards to defend himself. Therefore, the only way for a captor to be sure that nobody would contest the ownership of his prisoner was to stand by him until the end of the battle. However, this was precisely what the crown sought to avoid, as the immobilisation of useful combatants may jeopardise the victory of the English contingent.<sup>23</sup> Ordinances of war on the French side are fairly quiet on this particular matter of the capture of prisoners, yet there is reason to believe that the rules

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<sup>18</sup> Bériac-Lainé & Given-Wison, ‘Edward III’s Prisoner of War’, p. 827.

<sup>19</sup> B. Schnerb, ‘La bataille rangée dans la tactique des armées bourguignonnes au début du 15e siècle. Essai de synthèse’, *Annales de Bourgogne*, 61 (1989), 5-32, at p. 25 ; as cited in Contamine, ‘Ransom and Booty’, p. 167.

<sup>20</sup> *Black Book*, i. 455.

<sup>21</sup> *Ibid.*, i. 463.

<sup>22</sup> *Ibid.*, i. 461.

<sup>23</sup> This purpose is emphasised in the text of the ordinances of war copied by Nicholas Upton in his *De Studio Militari* which specifies that ‘because of fear of the enemy a man cannot keep his prisoner in custody’. Curry, ‘The military ordinances’, p. 387.

were similar.<sup>24</sup> The well-known case arising out of the capture of the count of Dammartin at Poitiers, in 1356, shows that such rules as those set in the ordinances of war were debated in court.<sup>25</sup>

### *The practice*

This issue of custody on the battlefield should not, however, be over-emphasised. The critical point was rather at the moment of the capture itself. The 'word of honour' of the prisoner taken at the moment of his capture could raise problems. What exactly this word of honour was remains rather unclear. There is reason to believe that, at the very most, it was a couple of sentences where the prisoner promised to be good and loyal to his master. However few these words were, they were nonetheless essential in establishing the rights of the captor. *Le Jouvencel*, for instance, includes the story of a captor who simply forgot to take the oath from his prisoner and consequently lost his rights to his ownership.<sup>26</sup> According to the same source, the rules also anticipated the possibility that the prisoner-to-be could not talk. In such circumstances, the captor would be the first combatant who touched the palm of the prisoner's right hand.<sup>27</sup> The oath would be taken once the captive was removed to a safe place.

The problem of prisoners who refused to honour their word must have been rather common, in particular when these captives had been rescued by their allies. This was the case of the knight Eustache d'Aubrecicourt who remained only a few hours in the hands of the enemy at Poitiers.<sup>28</sup> Aubrecicourt had been set free by his allies and never paid any ransom to his captors. This is rather intriguing, as a prisoner who had given his oath to his master was not supposed to flee. It is maybe for this reason that Froissart is not even sure if the alleged captors of Aubrecicourt really made him captive formally. In theory, the prisoner's word of honour should include the provision *rescoux ou non rescoux* (rescued or not rescued), as we learn in the testimony of Jean Du Chastel, in 1428. The English knight Jean le Paintre claimed to have captured Du Chastel and taken his oath near Vendôme. Du Chastel, who had been rescued and returned free to his place, subsequently refused to acknowledge that he had either

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<sup>24</sup> See the regulations which Jean de Vienne and the captains of the Scottish host drew up in 1385. *Acts of the Parliaments of Scotland*, T. Thomson and C. Innes (ed.), 12 vol., Edinburgh, 1814-75, i. 554-5; Keen, 'Richard II's Ordinances of War', p. 47.

<sup>25</sup> Bériac-Lainé & Given-Wilson, *Les prisonniers*, pp. 180-2.

<sup>26</sup> *Le Jouvencel*, ii. 95.

<sup>27</sup> ...quant le prisonnier ne pourroit parler, maiz qu'il touchast de la main, que encores suffisoit-il, mais qu'il touchast ou dedans de la main ; et le premier qui touche dedans la main dextre, l'emporte. Ibid., i. 224.

<sup>28</sup> Bériac-Lainé & Given-Wilson, *Les prisonniers*, pp. 214-5.

given his oath or said 'rescued or not rescued'. The matters ended in a duel which was won by Du Chastel. More than teaching us about the ritual of surrender, this case also reveals how the business of taking prisoners relied on the good faith of the combatants and how difficult it was to prove that a man had given his oath to be a good and loyal prisoner.<sup>29</sup>

There is a further more complicated issue for the potential captor at the moment of capture. Arguably, the prisoner was less of a threat to his captor than the latter's 'equally driven by greed' companions-in-arms. This is well illustrated in another passage of *Le Jouvencel*.<sup>30</sup> In brief, Gervaise Nardereau captured Jean Malet. Several combatants around them seeing an opportunity to make a profit threatened to kill the prisoner if they did not receive a share of the ransom. One soldier went so far as to simply contest Nardereau's ownership of the prisoner. Yielding to the pressure, Nardereau agreed to share his rights to Malet and told the man who claimed the prisoner for himself that this would be debated in front of the captain. The issue was brought in front of the captain, and Nardereau was subsequently exempted from honouring his word which had unfairly been taken (and the third man's claim was dismissed).<sup>31</sup> Such a situation was by no means fictional. As mentioned earlier in Chapter one, royal ordinances of war established that no one could threaten the life of a soldier's prisoner in order to obtain a part of the ransom.<sup>32</sup> And it would appear that the threat of killing prisoners was a real one, as the ordinances also specified that if anyone killed the prisoner, he would be arrested until he had compensated the captor for his loss and paid a fine to the Constable.

Soldiers' greed, combined with insufficient and unclear rules, as well the physical contact involved in the ritual of capture (touch of right hand, seizure of tokens) inevitably led to conflicts between rival claimants. As the *Jouvencel* puts it, *after [an] encounter, several debates arose, as is always the case when spoils of war have been made*.<sup>33</sup> In support of his statement, evidence of litigation in courts over the ownership of prisoners is plentiful in the course of the Hundred Years War.<sup>34</sup> If principles of the law of arms and royal ordinances

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<sup>29</sup> *Livre des Miracles*, pp. 55-7, no. 104 (1428, June 11).

<sup>30</sup> *Le Jouvencel*, i. 225.

<sup>31</sup> *Ibid.*, i. 225.

<sup>32</sup> See above, p. 31.

<sup>33</sup> *Le Jouvencel*, ii. 212.

<sup>34</sup> In addition to these cases, it is interesting to note that the captain of Dreux mentioned a major dispute amongst the men on his garrison concerning prisoners as an excuse for not sending his contingent to the siege of Tancarville. BL, Add Ch, 11992; also quoted in A. Curry, 'The Organisation of Field Armies in Lancastrian

applied in the field, so too did the law of the jungle play a significant part in the process of capture. John Winter's account of the storming of Le Mans before the Parlement of Paris, in 1428, offers a compelling illustration of this.<sup>35</sup> According to Winter, John Talbot sent him, together with thirty men, inside the city of Le Mans. The esquire assaulted the hostel of Jacques Bonin where forty French soldiers had taken refuge. As he met strong resistance, he decided to ask Talbot for help. On his way, he met William Glasdale, an English esquire, at the head of his company, who agreed to give him support provided that they shared their gains. Together, they stormed the hostel; the assailants invaded the place and took many prisoners *chascun qui miex miex*. A certain Rohan was disputed between Winter and Roger Pellerin, a man in the retinue of Glasdale. The latter went out of the hostel as he saw Thomas Rempston contemplating the scene and asked for his assistance in return for another share of the gains. Rempston *l'accompagna lors a son butin pour estre plus fort*. As we can see in this case, the purpose of these alliances was to join force to face rival claimants in return for profits.

## II. The prison

### *A few safety measures*

From the very moment of his capture, the prisoner became the responsibility of his captor. We have just seen that, for tactical purposes, the crown authorised soldiers to leave their captive on the battlefield in order to continue to fight, provided that, it is specified in the Mantes ordinances, the said prisoner was not found afterwards defending himself. This provision implied that captors owed protection to their prisoners. For safety reasons, the master was also expected to keep his prisoner in close custody as long as they were in the host.<sup>36</sup> If he failed to observe this rule, he would lose his prisoner and be arrested, but there was apparently no specific place of detention.<sup>37</sup> Deliberately relying on the soldiers' desire to guarantee the observance of this rule, the crown established that anyone who first found the prisoner on the loose would be entitled to half his ownership. A curious petition of the

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Normandy', in M. Strickland (ed.), *Armies, chivalry and warfare in medieval Britain and France. Proceedings of the 1995 Harlaxton Symposium*, Stamford, 1998, 207-31, at p. 229.

<sup>35</sup> AN, X1a 4795, fol. 324v-325 (1428, August 31). This very interesting case, which is analysed in Keen ('*The Laws of War*', pp. 33, 153-4), is also published in *English Suits*, pp. 205-8.

<sup>36</sup> *Black Book*, i. 456-7, 465.

<sup>37</sup> At least, there was no proper place to gather prisoners during the siege of Orléans in 1429. The French captain, Bourg de Bar, who fell into the hands of John Talbot during the siege was put in one of the English bastilles around the city. He was so heavily fettered that he could not move. Cousinot, *Chronique*, pp. 165, 297-8.

commons, in 1433, reveals that such practice also applied in France.<sup>38</sup> In the parliamentary session held in July, the commons asked the king for the arrest of any prisoner who was found at large either without a safe-conduct or an English guard. They suggested that the new taker and the crown should divide the ownership of the captive into two equal parts. This request was in consideration that ‘all kinds of English prisoners or prisoner, hostages or hostage who are in France in the hands of our enemy who are found at large in any way away from their host are taken prisoner and put to new fine and ransom.’

Outside the host, the captor was also expected to signal the presence of his prisoner in every town they went into, however short their sojourn might be. The reason for this is highlighted in *Le Jouvencel*:<sup>39</sup>

When a prisoner enters a town, castle or fortification, without the captain or his men’s knowledge, this prisoner could be malicious, seditious, escheleur, deceiver, *sayeur de portes ou de faulces poternes*; he could seduce anybody in the garrison, the town or the company, without anyone knowing about it and him, and [could cause] many other troubles... For, by a town or by a castle which would be lost in such manner, a realm and a monarchy could be lost.

The failure to observe this rule underlay John Chamerblain’s claim to the ownership of William Gerard’s prisoner, Hannequin Lower, in 1394.<sup>40</sup> Chamberlain argued that Gerard had forfeited all his rights in Lower, as he had lodged his captive in the prison of Calais without asking permission from the captain’s lieutenant. However, one wonders whether this rule requiring any master to signal the presence of his prisoner was an efficient measure for the protection of towns or fortresses, as the custody of prisoners was, in general, a private matter.<sup>41</sup>

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<sup>38</sup> *PROME*, xi. 149 (1433, July).

<sup>39</sup> *Le Jouvencel*, ii. 10, 13.

<sup>40</sup> TNA, C 47/6/5 (1394).

<sup>41</sup> I came across a single example of the crown’s interference in the captivity of prisoners. The following episode took place in 1370, when war between France and England had just resumed. It came to the knowledge of Charles V that several English prisoners of war detained at Saint-Omer were allowed to walk outside their prison and that others were kept in various places (*plusieurs lieux et hostieux*) which were inadequately fitted for their custody. The French sovereign thought that it was intolerable in times of open war as the prisoners could easily see what was going on in the fortress and town and cause trouble. He therefore ordered that the captives should be kept in closer custody (*en lieux repuns et en fers*). J.-R. Alban, ‘Une révolte des prisonniers de guerre anglais à Saint-Omer au 14<sup>e</sup> siècle’, *Bulletin trimestriel de la Société Académique des Antiquaires de la Morinie*, 22 (1974), 161-80, at pp. 166-7.

## *The lodgings*

Prison and captivity were the captor's own responsibility. Yet the marshal of Carentan, John Stille, suggested in his declaration at the assize of Carentan, in 1428 that he had been bound to accept the custody of a prisoner: 'at the request of some English, *usans de fait de guerre*, he had kept a prisoner called Guillaume Leheux at his expense for five weeks and five days'.<sup>42</sup> What is more, this declaration also seems to imply that the guardian was expected to cover the expenses of custody. In this case, they were paid back by the crown, because the prisoner, as we have seen, had been accused of brigandage and executed.<sup>43</sup> Otherwise, the expenses of custody would have been paid back by the prisoner, together with his ransom.

How and what was the prison of war? The conditions of captivity have already been considered in Chapter one and I will not return to this issue. Here, I will rather focus on the overlooked question of the place of detention of the prisoners of war. Prisons of war were rather small and geographically scattered. The 600 prisoners taken at the surrender of Melun, in 1420, were distributed to various places in Paris: the Châtelet, the Temple, the tower of Saint-Antoine and elsewhere, according to chroniclers.<sup>44</sup> Some of these captives were sent later on to custody in different castles. Arnaud-Guilhem de Barbazan was taken to the strong fortress of Château-Gaillard, along with only three or four other knights.<sup>45</sup> Around the same period, the five hostages for the liberation of the bastard of la Baume were divided into two groups according to their value. The three more important hostages were kept in the castle of Sens, while the two others were sent to the archbishop's prisons.<sup>46</sup> It was not the first time that religious prisons had prisoners of war within their walls. A legal case before the Parlement of Paris in 1385, for example, involved thirty seven English prisoners of war detained in the prison of the abbey of Fécamp.<sup>47</sup> Finally, as there was no room in the castle of Blois for the English prisoner of Galobie de Panassac, the captain, Jean de Tillay, entrusted Perrot Godefroy, an inhabitant of Blois, with his custody.<sup>48</sup> The prisoner was kept in Godefroy's own house in town.

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<sup>42</sup> BL, Add Ch 3622 (1428, April 24).

<sup>43</sup> See above, p. 48.

<sup>44</sup> Monstrelet, *Chronique*, iv. 12-3; Saint-Denis, *Chronique*, vi. 449; Cousinot, *Chronique*, p. 439.

<sup>45</sup> Cousinot, *Chronique*, p. 464-5.

<sup>46</sup> These details are extracted from a legal case concerning the earl of Salisbury against Pierre le Verrat (1426-8), which is published in *English suits*, pp. 148-53.

<sup>47</sup> AN, X1a 33, fol. 4ro, 203vo, 214 ro. See also the case of Jean Régner detained in the tour of Beauvisage in Beauvais, which was part of the bishopric prisons. Régner, *Les fortunes*, p. xvi.

<sup>48</sup> AN, X1a 69, fol. 141v (1438, January 31).

This last example introduces the idea of a ‘makeshift prison’. For instance, Olivier du Guesclin was lodged in the tower of Ludgate, presumably in a room over the gate itself.<sup>49</sup> Baudet l’Allemand, a German esquire captured by the English at the siege of Villaines (near Mans), towards the end of 1420 claimed to have been put in ‘quite a strong house’ (*une maison assez forte*) near the fortress of Villaines, where he was guarded by twelve armed men.<sup>50</sup> The door and windows had been obstructed. The letter of remission of Etienne de Wyngam, gaoler of a prison of Alençon, reveals that two French prisoners were detained in the hostel of a Robin Wardel in Alençon, in 1425.<sup>51</sup> More revealingly, Yvonnet le Bourgeois claimed that he was detained in the bedroom of his guardians: ‘And in the bedroom where he was, there were two beds and the said Yvonnet was between the two beds and in each bed lay three English men’.<sup>52</sup> Quite regularly, we read in the sources that the prisoners were kept in the *grosse tour* (big tower) of the castle.<sup>53</sup> This was not because the prison of the castle was there, but rather because it was the safest place to put prisoners. This appears quite clearly in the example of the bastard of La Baume. Before he was replaced by his hostages, La Baume had also been detained in the castle of Sens. He had been put *en une chambre en la tour de Sens qui est bien forte*.<sup>54</sup> As an extra precaution, the prisoner was also fettered. The fearsome *cul-de-basse-fosse* (pit prisons) is another place in the castle where we find prisoners. It was apparently reserved for criminals,<sup>55</sup> but the *basse fosse* was also regularly used to put pressure on the prisoner of war in order to squeeze out from him the biggest possible ransom.<sup>56</sup>

Sources remain relatively silent on the place of detention. Had they been more forthcoming, I would not be surprised to see more of these very private accommodations. The very fact that the ordinances of war compelled any master to signal the presence of his captive in any town points to this direction. If prisoners were usually kept in ‘official’ prisons, such measures would indeed be superfluous. This assumption is substantiated by the following

<sup>49</sup> Given-Wilson, ‘The ransom of Olivier du Guesclin’, p. 21

<sup>50</sup> *Livre des Miracles*, p. 41-2, no. 87 (1421, January 6).

<sup>51</sup> *Actes*, i. 224-6, no. 91 (1425, April).

<sup>52</sup> *Livre des Miracles*, pp. 66-7, no. 110 (1430, September 2).

<sup>53</sup> For example, see Alban, ‘Une révolte’, p. 173 ; AN, X1a 4797, fol. 47v ; Chartier, *Chronique*, i. 226 ; Bossuat, *Perrinet*, p. 7 ; *Le Jouvencel*, i. 78 ; Régnier, *Les fortunes*, p. xvi.

<sup>54</sup> *English suits*, p. 149.

<sup>55</sup> After he was found not guilty of any criminal offence, Huet Alaine was moved from the *fosse* to the *haulte chambre* of a little house which served as prison. AN, JJ 174, no. 93 (1427, December 1). For a similar example, see also *Actes*, i. 92-5, no. 36 (1424, May).

<sup>56</sup> AN, KK 252, fol. 22 (July 1374), *R.D.P.*, iv. 157 n. 1 (1370s); *Livre des Miracles*, p. 43-4, no. 89 (1421, July 18); BN, PO 970, Danié, 2 (1425, December 29); AN, JJ 173, no. 517 (1426, May); AN, JJ 173, no. 539 (1426, May); *Actes*, ii. 149-53, no. 198 (1429, September 18); *Livre des Miracles*, p. 78, no. 125 (1439, March 13); AN, X1a 4798, fol. 190rv (1440, April 28); Monstrelet, *Chronique*, v. 103.

deliberation of the town council of Dijon in the aftermath of the battle of Bulgnéville in July 1431. Worried for the safe-keeping of Dijon, the authorities of the town decided to do a complete survey of all the prisoners detained within their walls:<sup>57</sup>

[It has been] decided that it will be proclaimed in the town that anybody who has a prisoner in this town must come to say and declare it at once to my lord the *maire*, under pain of being considered as a traitor to the town; and this being done, my lord the *maire* will debate this issue at the town's council to take advice.

To some extent, the idea of a makeshift prison also sheds new light on the widespread use of shackles, chains and fetters, as an extra and necessary precaution to prevent the escape of the prisoner rather than as a means of humiliation or torture.<sup>58</sup>

### *Escapes*

Not surprisingly, late medieval prisons of war, no matter how big or small they were, were not safe places in which to keep prisoners. A few examples of escapes from – one would have thought – safe places of detention follow. Jean Braquemont, a Norman knight, and Marcellin Flisc, a Genoese soldier, escaped from the Tower of London in the early 1420s.<sup>59</sup> Pierre Blondeau fled from the Châtelet of Paris in the early 1430s.<sup>60</sup> In a rather romantic fashion, the captive climbed down the wall of the prison thanks to a rope attached to the window. Jean Moret managed to miraculously escape from the *basse fosse* of the castle of Angoulême in the late 1430s.<sup>61</sup> As we have seen, even the ‘strongest’ room of the ‘strongest’ tower of the castle of Sens did not prevent the hostages of La Baume from running away. These are just a few examples from an endless list of escapes.<sup>62</sup>

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<sup>57</sup> Schnerb, *Bulgnéville*, p. 94.

<sup>58</sup> Jean Oquilhe, an archer of the Dalphin, captured and taken to la Riviere-Thibouville *fut mis en ungs seps si grans, si merveilleux et si pesans, qu'il falloit quatre hommes a les mettre dehors et dedans. Livre des Miracles*, p. 89, no. 143 (1444, June 13). See also above, pp. 30-1.

<sup>59</sup> *Issues of the Exchequer*, i. 375 (1422, July 10). They were subsequently recaptured. TNA, SC 8/198/9871 (1423).

<sup>60</sup> AN, X1a 4797, fol. 47v (1433, March 9).

<sup>61</sup> *Livre des Miracles*, p. 78, no. 125 (1439, March 13).

<sup>62</sup> See the multitude of French captives who claimed to have escaped from their English prison through the invocation of Saint Catherine or Charles de Blois. *Monuments du procès*, pp. 238-9, no. 90 (1369); pp. 239-41, no. 91; pp. 285-91, no. 120; pp. 318-21, no. 137, pp. 334-8, no. 144; pp. 407-8, no. 188; p. 440 (1369, April 5), p. 425 (1369, April 7); pp. 432-3 (1369, May 24). The *Livre des Miracles* offers an even greater amount of examples in the 1420s-1440s. See also, *Actes*, i. 31-3, no. 14 (1423 June); i. 92-5 (1424, May); i. 224-6, no. 91 (1425, April); ii. 212-5, no. 215 (1431, October 31); Froissart, *Chroniques*, viii. 6-9; Timbal, *La guerre de Cent Ans*, pp. 322-9 (1371, August 9); AN, KK 251, fol. 122 vo; *R.D.P.*, iv. 254 n. 1 (1372); *C.P.R. 1413-6*, p. 410 (1415, October 26); Jean de Waurin, *Recueil des Croniques et Anchiennes istories de la Grant Bretagne a*



There are several reasons for these escapes. Firstly, many buildings were poorly maintained. Following the escape and killing of the English prisoners detained at Saint-Omer early in the 1370s, we read in the enquiry that the door of the prison where six or seven English soldiers were detained had big holes through which they could easily observe what was going on in the castle.<sup>63</sup> Once out of their prison, they did not seem to have encountered many difficulties to break through the doors of the other English prisoners' cells.<sup>64</sup> Quite regularly, the detention of prisoners required some maintenance work in the prison. In July 1374, for example, Robinet Mellon, captain of the tower *Trompe* of Lusignan was paid four pounds for various locks, hinges, *vervelles* and other things which he had used for the trap door of the fosse of the said tower.<sup>65</sup> A year later, massive works were undertaken in a hostel in the castle of Falaise where two English hostages of the treaty of Saint-Sauveur were detained.<sup>66</sup>

Secondly, the prisoner sometimes received external assistance. The rope which hung from one of the windows of the *conciergerie* of the Châtelet had been put there by Robert Mincet who had visited the prisoner some days before.<sup>67</sup> According to Froissart, in the early 1370s, Hugues de Châtillon managed to get away from his prison in the castle of Nottingham, thanks to a mariner of Sluys in Flanders who had been commissioned by his wife.<sup>68</sup> Around the same time, Raimond de Mareuil found his way out of prison thanks to his own guardian to whom he paid some money.<sup>69</sup> Finally, in early 1419, the captain of the castle of Coucy, Pierre de Xaintrailles, was killed by some of his varlets who had conspired with some Burgundian prisoners detained in the castle.<sup>70</sup> All the captives were released and took possession of the place.

Thirdly, the prisoner's escape might also result from the negligence of the guardian. It is not always clear whether they were responsible for these escapes, but several guardians paid dearly for the escape of their prisoners. Following the escape of Huet Alaine and other

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*present nommé Engleterre, 1399-1422*, W. Hardy (ed.), London, 1868, ii. 17-8; *English suits*, p. 201 (1427, December 9); *Cronique Martiniane*, P. Champion (ed.), Paris, 1907, p. 9 (1428); AN, X1a 4801, fol. 398v-399 (1448, February 26) and many others.

<sup>63</sup> Alban, 'Prisonniers de guerre anglais', p. 173.

<sup>64</sup> For another later example see Monstrelet, *Chronique*, iii. 310.

<sup>65</sup> AN, KK 252, fol. 22 (July 1374); see also Lehoux, *Jean de France*, i. 334, n. 6.

<sup>66</sup> BN, Ms Fr 26012, no. 234 (1375, June).

<sup>67</sup> AN, X1a 4797, fol. 47vo.

<sup>68</sup> See below, pp. 177-8.

<sup>69</sup> Froissart, *Chroniques*, viii. 6-9.

<sup>70</sup> Monstrelet, *Chronique*, iii. 310.

prisoners from their prison, for example, Michel Valmont, the gaoler, had been imprisoned by the lieutenant of the ‘vicomté’ of Pont-Audemer.<sup>71</sup> After five months of harsh captivity, he finally received a letter of remission from Henry VI in December 1427, with the proviso that he found the captives and brought them back to prison. Even if he did this, he would, however, be dismissed from his office of gaoler and punished.<sup>72</sup> More fortunate was William Herd, lieutenant of the constable of the Tower of London, who had been held responsible for the escape of Braquemont and Flisc, and was subsequently forgiven.<sup>73</sup> The two prisoners had been restored to the prison in the meantime.<sup>74</sup>

Private individuals could bring their case before a court of justice. Thomas Montagu, earl of Salisbury, sued Pierre le Verrat for the escape of the hostages of la Baume. Le Verrat tried to put the responsibility onto his lieutenant Jean Labé, because the hostages escaped when they were in his care.<sup>75</sup> Le Verrat however was the man who negotiated the custody with Salisbury and was therefore responsible for the prisoners. At this level too, the law of contract prevailed. In all likelihood, a contract was sealed between him and the guardian, fixing the cost of custody, possibly the conditions of captivity and some other terms. According to Pierre le Forestier, he had agreed with Marcuin de Molins, to whom he had entrusted the custody of his prisoner, to deliver the latter to him every time he would require it.<sup>76</sup> Instead of that, Le Forestier claimed that Molins had ransomed the prisoner to his own profit.

Given all the risks involved, one may wonder why masters would entrust any third party with the custody of a valuable captive. Indeed, some captors, like François de la Palu, who dragged Henri Gencian with him everywhere he went, were reluctant to leave their prisoners behind them.<sup>77</sup> In other instances, duty seemingly prevented the captor to from taking charge of his prisoner. Galobie de Panassac left his prisoner in custody in Blois while he was taking

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<sup>71</sup> AN, JJ 174, no. 93 (1427, December).

<sup>72</sup> See also the cases of Etienne de Wyngam and George Nestfeld in *Actes*, i. 224-6, no. 91 (1425, April); *C.P.R. 1413-6*, p. 410 (1415, October 26).

<sup>73</sup> TNA, SC 8/198/9871 (1423); *C.P.R. 1422-9*, p. 186 (1423, October 20).

<sup>74</sup> Negligent goalers who failed to prevent prisoners from escaping had always been liable to punishment by the king. Many earlier examples could be quoted. In order to protect himself against King John’s reprisals in 1213, Hugh de Neville obtained from his five prisoners the promise to indemnify him in the event of their escape. R. B. Pugh, *Imprisonment in Medieval England*, Cambridge, 1968, pp. 232-4; N.C. Vincent, ‘Hugh de Neville and his prisoners’, *Archives: The Journal of the British Records Association*, 20 (1992), 190-7

<sup>75</sup> See also the case opposing Yvon du Puis to Etienne du Plessis, captain of La Ferté. AN, X1a 4801, fol. 398v-399 (1448, February 26).

<sup>76</sup> AN, X1a 9201, fol. 94v (1432, July 31).

<sup>77</sup> AN, X1a 4798, fol. 190rv (1440, April 20).

part in Charles VII's coronation expedition.<sup>78</sup> The ransom business progressed through letters sent to Jean de Tillay who was in charge of the prisoner. However, this ultimately proved to be disastrous, as the prisoner was released without any pledge.<sup>79</sup>

### III. The custody

Harsh conditions of captivity which may even have lead to the death of the prisoner have already been highlighted. This third part will therefore be devoted to the practical and financial aspects of the custody of prisoners. The relevance of this approach to this issue will show in my first point. The sources most often highlight the terrible hardship of the prisoners. Should we take such statements at face value? For example, Michael Jones wisely questions the genuineness of John Bouchier's description of his harsh conditions of captivity to his wife Maud, given that his expenses amounted to a remarkable £666.4 (4,000 francs) – that is 50% of his total ransom – and that he had servants in his suite.<sup>80</sup> By the same token, there is reason to question the hardship of the prisoners of Agincourt, as described by the Monk of Saint-Denis:<sup>81</sup>

Some gentlemen, who returned to their homeland after the payment of their ransom, gave an account of the distress of the most illustrious duke of Orléans and the French lords who were detained in England. They told how these lords, sent to the extremities of the country, and living in the middle of a large society of wealthy Englishmen, were compelled to be satisfied with a single servant per prisoner.

Firstly, this report could be more detailed and perhaps more accurate. Most prisoners of Agincourt who went to England were back in France after a very short period of captivity of two or three months.<sup>82</sup> As it appears in their safe-conducts, most of these men were accompanied by two servants.<sup>83</sup> And it is striking to note that the duke of Orléans received safe-conducts for more than a hundred men in his company when he was eventually released in 1440.<sup>84</sup> If we talk about hardship in this context, it must be done in terms of hurt pride, rather than physical abuse.

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<sup>78</sup> AN, X1a 69, fol. 141v (1438, January 31).

<sup>79</sup> For another example of priority to duty, see the case of Salisbury against le Verrat in *English suits*, pp. 148-53.

<sup>80</sup> Jones, 'Fortunes et malheurs', p. 193.

<sup>81</sup> Saint-Denis, *Chroniques*, vi. 47.

<sup>82</sup> Ambühl, 'Le sort des prisonniers', pp. 772-5.

<sup>83</sup> See TNA, C 76/98, m. 3-7 (November 1415-February 1416).

<sup>84</sup> TNA C 47/30/9/20-6 (1440, October 28).

The presence of servants with the prisoner is arguably a sign of good conditions of captivity. As the surviving safe-conducts suggest, many French captives, like those of Agincourt, who were once detained in England were accompanied by their servants. In 1412, for instance, the Breton knight Guillaume de Forest requested a safe-conduct for eight men and their servants, twelve horses, as well as some goods and equipment, which he intended to bring along with him to his captivity in England.<sup>85</sup> When leaving England in 1381, as another example, the French knight Guillaume des Bordes was followed by his wife and ‘all those in their company’, that is: (at least)<sup>86</sup> 20 knights and esquires, ladies and damsels as well as their varlets and goods.<sup>87</sup> Finally, a surviving English account of profits made from the delivery of special licenses and protections between October 1433 and October 1434 also suggests that many French prisoners were accompanied by one, two or more servants in their English prison in French occupied territory.<sup>88</sup>

### *The cost of custody*

Whether the captivity was long or short, gentle or harsh, lonely or sociable, it always had a financial price for the prisoners, which could be huge. Guillaume des Ages saw a great opportunity to make profits out of the custody of the lord of Menon, in the 1410s, by acceding to all his demands and then making him pay for them.<sup>89</sup> *Moult noble seigneur* as he claimed to be, Menon asked to travel to his prison in Beauvais on a horse in good custody. He was not put under lock and key, but he could move freely under the vigilance of three guards during the nine months of his captivity in Heusson. Because Menon had agreed to all this, Des Ages asked £133 (800 l.t.) from his prisoner for the expenses of custody. This excessive greed of the guardian is partly the reason why this case was debated in a legal court in 1415.

If Menon’s expenses had undoubtedly been inflated, there is no doubt, on the other hand, that custody of prisoners was a particularly costly business, that of a higher-ranking prisoner being naturally far more expensive than a lower one. And it must be noted that the captor was bound to bear these expenses which would ultimately be paid back by the prisoner when he

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<sup>85</sup> TNA, SC 8/250/12477 (1412).

<sup>86</sup> The number of 20 is in the text, but there is a mention of 40 in the line space.

<sup>87</sup> TNA, SC 8/169/8424 (1381).

<sup>88</sup> AN, KK 324 (1433-4).

<sup>89</sup> AN, X1a 4797, fol. 8vo-9ro (1415, December 2).

paid his ransom.<sup>90</sup> At the top of the scale, the daily expenses for the custody of the duke of Orléans in England amounted to 23s 4d (£35/month, £426/year) in the early years of his captivity. In the course of his captivity, the crown continually cut the budget allocated to his custody: 20s/d between 1423 and 1430 (£30/m, £365/y)<sup>91</sup> and 13s 4d/d from 1431 onward (£20/m, £240/y).<sup>92</sup> The custody of Guichard Cesse, captain of Meaux, who was also imprisoned in England cost 8s/d (£20/m, £146/y).<sup>93</sup> The expenses for the more humble prisoners of Harfleur kept in the castle of Hammes between 1415 and 1417 amounted, for each of them, to 4s 4d per week (17s 4d/m, £11/y).<sup>94</sup> John Stille, the captain of Carentan asked for 5s (30 s.t.) per week for the custody of Guillaume Leheux (£1/m, £12/y).<sup>95</sup> Finally, Perrot Godefroy asked for approximately 4s (1 golden crown)/w for the custody of Thomas Cusac in his house in Blois (16s/m, £9.5/y).<sup>96</sup> We could surmise therefore that at the bottom of the ladder, a basic maintenance fee for the custody of a prisoner amounted to something like 4 to 5s/week.<sup>97</sup>

Additional expenses increased this maintenance fee. Travel expenses could be put on the account of the prisoner.<sup>98</sup> Expenses of missions were regularly added; these most probably related to the use of heralds or messengers who carried messages to and from the prisoner in captivity.<sup>99</sup> For instance, the expenses of Chester herald who worked on the release of Robert lord Moleyns for seven months and sixteen weeks amounted to £140.<sup>100</sup> Medical expenses considerably inflated the ransom of the very unfortunate Henri le Gros, of the garrison of

<sup>90</sup> Keen, *The laws of war*, p. 169.

<sup>91</sup> *P.O.P.C.*, iii. 79; iv. 44, 51; *Issues of the Exchequer*, p. 413.

<sup>92</sup> TNA, E 101/53/4 (1431-4); E 101/53/10 (1436); E 101/53/28 (1436); E 101/53/9 (1440); *P.O.P.C.*, iv. 182 (1431-1434); *Issues of the Exchequer*, pp. 449 (1438-9), 439 (1440). In comparison, the daily expenses for the custody of the count of Alençon in France, following his capture at Verneuil, was estimated at 6lt (approximately, £30/m, £365/y). BN, Ms Fr 4485, fol. 433rv.

<sup>93</sup> TNA, E 404/39/309, 20.

<sup>94</sup> TNA, E 101/47/35.

<sup>95</sup> BL, Add Ch 3622 (1428, April 24).

<sup>96</sup> AN, X1a 69, fol. 141v (1438, January 31).

<sup>97</sup> On average, Guillaume de Meuillon spent 11 13s 4d/w (+/- 1 crown) for each prisoner under his custody in the castle of Tonnerre. BN, PO 1954, Meuillon, 10 (1425, November 30). The guard of the tower of the castle of Bar received 44 francs for the expenses of custody of 4 prisoners from 15 April to 2 July 1423; that is 1 franc per week per prisoner (slightly less than 1 crown). Luce, *Jeanne d'Arc*, p. 107, no. 63. Towards the same period, the English crown paid 4 shillings a week per head (about a crown) for four French and Scottish prisoners detained in the Tower of London. *Issues of the Exchequer*, i. 360; TNA, E 404/34/109 (1419, August 25).

<sup>98</sup> Bossuat, 'Châteauvillain', p. 23; Idem, 'Rodemack', p. 150. Travel expenses could prove to be relatively pricy. The escort of two prisoners from Bourges to Orléans cost £8 (50 l.t.) to Girard de Cres. BN, Coll. Clairambault, 97, no. 2827 (1420, January 26).

<sup>99</sup> Their role will be examined in Chapter 6.

<sup>100</sup> W. Dugdale, *The Baronage of England*, 2 vol., London, 1675-76, ii. 209. See also Jones 'Ransom brokerage', p. 224. For a recent discussion of Moleyn's ransom, see M.A. Hicks, 'Counting the cost of war: the Moleyns ransom and the Hungerford landsales 1453-1487', *Southern History*, 8 (1986), 11-31.

Meaux, who was severely injured during his capture in 1421 and had to undergo surgery, as is vividly depicted in his letter of pardon: ‘at the said seizure, he was so badly injured that he was ill for two months and more, and more than 36 bones had been taken from his head’.<sup>101</sup> His initial ransom amounted to £16.5 (100 l.) and a horse of 8s 4d (50s), but his expenses amounted to more than £10 (60 l.). The expenses of the prisoner’s hostages would also be added to the ransom of the prisoner. It was anticipated in the agreement for the release on parole of John Hanford, in 1444, that each hostage would pay two golden crowns per week for their upkeep until their departure.<sup>102</sup> Guillaume de Châteauevillain was taxed a huge (and probably unfair) £664 (4,000 crowns) by his captors at the end of the three year and four month long captivity of his hostages.<sup>103</sup> Finally prisoners would also pay for their safe-conducts. Such a document to travel through English territory in France, in the early 1430s, cost between 2 and 6 golden crowns (£0.44 - £1), depending on the number of persons and the duration of the protection.<sup>104</sup>

All in all, the custody of a prisoner could prove to be a very costly business for the captive and ultimately for the prisoner. The expenses of custody of Rodemack, who experienced a very short period of captivity, amounted to £1,185 (714 florins – about 7% of the total ransom). The total expenses of Robert Lord Moleyns and his servants, for their seven year and sixteen week long imprisonment, amounted to a minimum of £982, almost a sixth of his initial ransom (£6,000).<sup>105</sup> We have seen that John Bouchier’s total expenses of custody after about four years of captivity amounted to half his initial ransom (£664 or 4,000 francs + £1,328 or 8,000 francs). The ransom of Châteauevillain had been fixed at £4,840 (22,000 golden crowns). After some years of litigation, this amount had been increased to £7,040 (32,000 crowns).<sup>106</sup> This extra £2,200, as the captors explained in court, included the upkeep of hostages, the *droits et depens* which had been agreed by Châteauevillain and finally the prisoner was also bound to pay the ransom of Ponchon de Bourguignan. If expenses for travels and messengers were added, the total would exceed £11,000 (50,000 crowns) and it was, by way of generosity, that the captors would content themselves with £7,040. Needless

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<sup>101</sup> *Paris pendant la domination anglaise (1420-1436)*, A. Longnon (ed.), Paris, 1878, pp. 17-9, no. 9 (1421, June).

<sup>102</sup> BL, Add Ch 12212 (1444 n.st., 6 March).

<sup>103</sup> Pierre Rousseau was put to ransom at £35.2 (160 golden crowns) *saunz les despenses que ses houstages fount et susteignent a cause du dit raunson*. Henry VI granted him 50 marks. TNA, E 404/53/307 (1437, May 15).

<sup>104</sup> AN, KK 324. In 1359, Thomas Stafford claimed that he spent 60 moutons for the safe-conduct of his prisoner. Timbal, *La Guerre de Cent Ans*, p. 374.

<sup>105</sup> Dugdale, *The Baronage of England*, i. 209.

<sup>106</sup> Bossuat, ‘Châteauevillain’, p. 23.

to say, the expenses of custody could have even more impact on lesser ransoms. Henriët le Gros's surgery caused his initial ransom to be increased by more than 60%. Finally, the English captors of Robinet du Mont Landry claimed that their captive *a despençe plus que sa finance ne monte*.<sup>107</sup> Such an eventuality – expenses of custody exceeding the value of the prisoner – could all too easily lead the prisoner to bankruptcy. It was therefore in the interest of the captors, particularly at the lower level of military society, to minimise the expenses in order to maximise the efficiency of the process of ransoming.

### *Les marz*

The widespread practice called *les marz* indicates that the process of ransoming was well organised. The earliest reference to this practice dates back to the late fourteenth century, where it is described in a trial brought before the court of the city of London in 1381, involving the ransom of Olivier du Guesclin.<sup>108</sup> *Les marz* was a portion of the ransom to be paid by Du Guesclin which covered his expenses of custody. In particular, his custodians asked for '5 francs [£0.85] for every 20 francs [£3.4] he paid as ransom'; *les marz* therefore amounted to a fifth of the ransom, as is elsewhere specified in the case.<sup>109</sup> C.A.J. Armstrong spotted another occurrence of *les marz* in the first half of the fifteenth century.<sup>110</sup> The ransom of Guillaume Rémon amounted to £4,400 (20,000 golden crowns) in addition to an increment of 20%, identified as *les marcs* or *les marz*. This practice was, by then, at the very least, forty years old and seems to have remained unchanged. Chris Given-Wilson deduced from this observation that 'it seems highly probable that such agreements may in fact have formed a fairly standard item in many other ransom agreements.'<sup>111</sup> As we will now see, he is certainly right as far as Norman garrisons, at least, were concerned.

The name of this practice comes, in all likelihood, from the silver mark. This reasonable assumption explains why the majority of the amounts of the ransoms of the French captives mentioned in the counter-rolls of Norman garrisons (1420-1440) were split into two different currencies: golden crowns and silver marks.<sup>112</sup> Particularly relevant is the fact that the amount of silver marks was, by and large, proportional to the amount of golden crowns:

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<sup>107</sup> BN, Ms Fr 25770, no. 634 (1430, *October-December*).

<sup>108</sup> The legal case is printed in *Calendar of Plea and Memoranda Rolls of the City of London, a.d. 1364-1381*, A.H. Thomas (ed.), Cambridge, 1929, pp. 297-300; Given-Wilson, 'The ransom of Olivier du Guesclin', p. 27.

<sup>109</sup> *Calendar of Plea*, pp. 298-9; Given-Wilson, 'The ransom of Olivier du Guesclin', p. 21.

<sup>110</sup> Armstrong, 'Sir John Fastolf', pp.47-8.

<sup>111</sup> Given-Wilson, 'The ransom of Olivier du Guesclin', pp. 27-8.

<sup>112</sup> Contamine's study of ransoms and booty in Lancastrian Normandy is based on 200 surviving counter-rolls. Contamine, 'Rançons et butins', pp. 241-270.

one silver mark for every 20 golden crowns.<sup>113</sup> In his task of establishing a scale of ransoms (and thereby overlooking the practice of *les marz*), Contamine converted the silver marks into crowns on the basis of 1 silver mark for 6 golden crowns.<sup>114</sup> Interestingly, the two highest recurrences were 26 crowns (46 prisoners) and 13 crowns (34 prisoners) and the fifth most frequent value was 52 crowns (17 prisoners).<sup>115</sup> Before conversion, it was, in fact, 20 crowns and 1 mark, 10 crowns and ½ mark and 40 crowns and 2 marks. At that time, in that particular context, at least, the increment of *les marz* was not worth 20% of the initial ransom, as in the cases of Du Guesclin and Rémon, but 30%.<sup>116</sup> The complete assimilation of *les marz* in military usages at that period is attested to by the fact that some captors had immediately converted the silver marks into crowns.<sup>117</sup> Also, that soldiers referred to *les marz* without further indications suggests that this practice was universally known and acknowledged.<sup>118</sup> This does not, however, necessarily imply that it was systematically applied.<sup>119</sup> In particular, there is practically no sign of its usage in higher society. Apart from Du Guesclin and Rémon, whose ransoms, it is worth noting, were particularly high, examples are not numerous.<sup>120</sup>

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<sup>113</sup> These observations are based on the consultation of more than one hundred accounts preserved mainly in the Bibliothèque Nationale in Paris, but also in the Archives Nationales in the same place and the British Library in London.

<sup>114</sup> Contamine, 'Rançons et butins', p. 260, n. 63. In 1434, for instance, the controller of Avranches noted that 6 silver marks were worth 36 golden crowns and the crown was worth 28s 6d.t. BN, Ms Fr 25772/925 (1434, October-December).

<sup>115</sup> For the sake of clarity, I thought it preferable here not to convert the crowns into pounds sterling.

<sup>116</sup> As Rémon was ransomed in 1423, this observation raises questions. Could it possibly be argued that this increase in the proportion of *les marz* might have resulted from a devaluation of the crowns? Spufford, *Handbook*, pp. 192-3.

<sup>117</sup> For instance, Guillaume le Bègue was ransomed at £11.44 (52 g. c.). BN, Ms Fr 25772, no. 1045 (1435, October-December). See also, BN, Ms Fr 25773, no. 1143; 25771, no. 780; 26049, no. 670.

<sup>118</sup> See, for instance, BL, Add Ch 11581 (1427, 14 October); BN, Ms Fr 25772, no. 1013 (1435, September-October). This practice also applied in France. See, for instance, AN, JJ 173, no. 518 (1426, May). Thomas Cooley did not specifically refer to *les marz* in his letter of remission, as he claimed that he was put to ransom for 900 crowns in addition of *les droiz pour ce deuz et acoustumez*, which were likely to be *les marz*. *Actes*, ii. 149-53, no. 198 (1429, September 18).

<sup>119</sup> However, it is important to highlight that the application of *les marz* was far from widespread. Among Contamine's scale, for instance, there were 20 prisoners ransomed at 20 crowns and 10 prisoners at 10 crowns. Contamine, 'Rançons et butins', p. 260. Out of the 37 prisoners appearing in a fragment of a roll relating to the profits of war of the English captain, Thomas Burgh, 16 were ransomed for 10, 20, 30, 40 or 60 crowns. BN, Ms Fr 26049, no. 670 (1426). Besides this, the right proportion of *les marz* only applied in twelve out of the 21 remaining ransoms included in this fragment. Two prisoners are ransomed at 40 crowns and 1 silver mark and a third one at 15 crowns and ½ mark. The amounts of the ransom of the nine remaining prisoners were counted in crowns, but the fact that the amount was not round suggests that the marks have been converted in crowns. Also, the proportion of *les marz*, in several controls is either lower or higher than the usual 30%. Examples of this are numerous. See, BN, Ms Fr 25769/452 (1430, January-March); BN, Ms Fr 25769 and bis (1430, January-March); BN, Ms Fr 26058/2313 (1434, April-June). There is a mention of a prisoner ransomed at 18 crowns (£4) and 20 s.t. (3s 4d). Whether this proportion was right is difficult to say. BN, Ms Fr 25770/743 (1432, October-December).

<sup>120</sup> For instance, Jean Régnier, bailli of Auxerre, was put to ransom at £2,200 (10,000 golden crowns) in addition to the *drois et depens* and *les marcs*. Guillaume le Houdent, a French knight, was ransomed for £1,100 (5,000 francs) and 18 marks (£24). In this last example, *les marz* was worth slightly more than 2% of the total



What does the application of *les marz* reveal about the ransoming of prisoners in Norman garrisons? To answer this question, it is necessary to identify the kind of expenses which were covered by *les marz*. Unfortunately this task is particularly difficult, as there is no description to be found of it. What we can deduce from such cases as that of John Walles who paid *les marcs d'argent et plusieurs despens* is that *les marz* did not cover all the expenses incurred by the custody of the prisoner.<sup>121</sup> For instance, it is clear that the surgery undergone by Henri le Gros was counted as an extra expense. Besides these observations, we can only speculate. *Les marz* may have been a sort of package including expenses for a very short period of captivity, i.e. expenses of a messenger and the delivery of a safe conduct. The addition of *les marz* to any ransom, even that of prisoners ransomed and released within two weeks after their capture, therefore seems not necessarily unreasonable. (On the other hand, that *les marz* were proportional to the amount of the ransom seems less fair. This practice may result from the chivalric principle that a prisoner should be treated according to his rank.)<sup>122</sup> Finally if the widespread use of *les marz* at garrison level does not show how prisoners were ransomed, it strongly suggests that the process of ransoming had become very pragmatic and probably rather systematic.

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ransom. Régnier, *Les fortunes*, p. 12 ; *La France gouvernée par Jean Sans Peur. Les dépenses du receveur général du royaume*, B.-A. Poquet de Haut-Jussé (ed.), Paris, 1959, p. 282 (no. 1131).

<sup>121</sup> AN, JJ 173, no. 518 (1426, May).

<sup>122</sup> Bonet, *The Tree*, p. 153.

## Chapter 5

# *Ransom agreements*

### I. Assessment of the ransom

What was the right price for the ransom of a prisoner? Chivalric theory encouraged moderation. Contemporary writers such as Honoré Bonet or Christine de Pizan recommended that a ransom should not be so great as to disinherit the captive's wife, children, family, or friends.<sup>1</sup> According to some historians, namely André Bossuat and Maurice Keen, the custom of war was quite specific on the matter of price, as it established that a ransom should be equivalent to the yearly income of the captive.<sup>2</sup> However, Bossuat did not provide any evidence for his part, and Keen's single case in support of this statement is not very convincing.<sup>3</sup> The latter referred to Blaise de Monluc's remark about the ransom he hoped to extort from Mark Anthony Colonna, a Roman knight: 'If I could catch him, I would be rich forever, for, at the very least, I would get £17,777 (80,000 crowns) from him, which was his yearly income'. Monluc considered this annual income as a minimum. Therefore, at most, this example shows Monluc's knowledge of the resources of his prisoner. On no account can it be used as an example of a custom of war.

According to Contamine, contemporary literature suggested that a ransom should not exceed five or six times the yearly income of a prisoner.<sup>4</sup> The French historian refers to a particular episode in the chronicle of Jean Froissart relating to the capture of Jean de Grailly, which has already been investigated.<sup>5</sup> We have seen how Charles V refused to release the Gascon knight unless the latter agreed to swear allegiance to him. According to Froissart, Grailly would even have offered to pay the equivalent of five or six times the amount of his annual income in order to regain his freedom.<sup>6</sup> Charles rejected this offer along with all the other projects of exchange which were offered. While this case is interesting, everything

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<sup>1</sup> Bonet, *The Tree*, pp. 27-8. About Christine de Pizan's position, see Allmand, *Society at War*, p. 84.

<sup>2</sup> Bossuat, 'Rodemack', p. 147; Keen, *The laws of war*, p. 158.

<sup>3</sup> Blaise de Monluc, *Commentaires*, A. de Rublé (ed.), 2 vol., Paris 1886, ii. 179.

<sup>4</sup> Contamine, 'The Growth of State Control', p. 166.

<sup>5</sup> See above, p. 66.

<sup>6</sup> Froissart, *Chroniques*, viii. 68-9.

about it is exceptional and should be considered as such. This huge amount of money for Grailly's ransom was purely symbolic. The latter tried to highlight that the French king would never release him for any money (which, so Grailly claimed, was contrary to the law of arms). At most, these two cases, Monluc and Grailly, suggest that yearly income might have been used as a reference in some circumstances, but there was seemingly no definite rule.

### *Factors*

How, therefore, did captors assess the ransom of their captives? According to Raoul de Gaucourt, Henry V took 'the opinion of two French and of two English gentlemen as to the reasonable sum which each of us [Gaucourt and Estouteville] ought to pay, upon which we should be set at liberty.'<sup>7</sup> There is an effort at fairness and impartiality underlying this method of assessment, but this remains a very subjective way to evaluate the financial means of the prisoners. If such were the means and method of a monarch, it is unlikely that the same degree of consultation occurred at lower levels of the hierarchy. Indeed, which captor would be able to seek advice from French and English advisers about the ransom of his prisoner? Being short of ideas, the masters of Jean Régnier interrogated their prisoner about his condition and wealth, but they did not trust his statement.<sup>8</sup> Later on, they decided to ask for £2,200 (10,000 crowns). Régnier complained that they did not know his true financial means (*Pas ne scavoient bien ma puissance*) and hoped that they would have the opportunity to spend more time enquiring about them. What kind of information was available to the masters? Michael K. Jones noted, 'in a period when even the English government only had a notional idea of the wealth of the landed classes, an assessment of ransom was likely to be on the most general grounds of rank, status and reputation.'<sup>9</sup> These factors and others will now be investigated into more detail.

*Reputation* – In April 1428, during the siege of Beaumont-en-Argonne, Guillaume de Flavy devised an elaborate scheme to conceal his capture of Enguerran de Gribauval, as 'he knew that the said prisoner was a rich man who could pay a good ransom'.<sup>10</sup> Similarly, in 1431, Pothon de Xaintrailles extracted a large ransom out of his prisoner Jean de Brimeu who had the reputation to be a *moult riche escuier*.<sup>11</sup> The excessive amount of money that was

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<sup>7</sup> Nicolas, *History of the battle*, Appendix, p. 25.

<sup>8</sup> Régnier, *Les fortunes*, pp. 11-2.

<sup>9</sup> Jones, 'Ransom brokerage', p. 223.

<sup>10</sup> Monstrelet, *Chronique*, iv. 290.

<sup>11</sup> Berry, *Les chroniques*, p. 142.

required from Pierre d'Acrimont resulted from his reputation to be *unus de melioribus prisionariis societatis dicti captalli* [de Buch].<sup>12</sup> The problem with this method, however, was that a man's reputation was not always necessarily justified. For example, the French knight Sauvage de Brinvilliers was in trouble when he was captured and ransomed, in 1359.<sup>13</sup> His captors knew that he had captured a wealthy English captive earlier on that year and believed that he had made a good profit out of him. They fixed the amount of his ransom accordingly, but, so it appears, Brinvilliers' prisoner had been transferred to Philippe d'Alençon who had not paid anything to the French knight by the time of his capture. Finally, it is interesting to note that this method of assessment also worked the other way round - a prisoner may have had a reputation for being in financial difficulty, and his ransom set accordingly. For example, at his first capture, in 1420, the French knight Gilet de Lointren was ransomed for £20 (90 crowns).<sup>14</sup> When he was taken prisoner again, two or three years later, his financial value had decreased by more than half and his captor only asked for £9 (40 crowns).

*Status and function* – The status and functions of prisoners were, without any doubt, significant clues for the masters who were trying to set the ransoms. Prestigious offices like that of seneschal or 'bailli' would inevitably inflate the ransom of the prisoner, like Jean Régnier who was 'bailli' of Auxerre. Some factors intermingled in the case of Robert Parent. His ransom had been established on the basis that he was 'very rich (reputation) and a great governor (status and function) and a mediator with the enemy (function)'.<sup>15</sup> Guyot Pesteil's huge ransom (5,000 l.t.) was also established by a different combination of factors.<sup>16</sup> Firstly, he had held prestigious offices in his career and was seneschal of Beaucaire at the time of his capture in 1415. Secondly, and perhaps more importantly, he was the master of the household of the duke of Orléans and being the familiar of a prince increased the ransom of a prisoner. Orléans having also fallen into the hands of the enemy at the same time, it was probably easier to take advantage of the situation and secure a bigger ransom from Pesteil.

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<sup>12</sup> *Monuments du procès*, p. 319.

<sup>13</sup> AN, JJ 90, fol. 237vo-238, no. 474 (1360, March).

<sup>14</sup> *Actes*, i. 82-7, no. 33 (1424, April).

<sup>15</sup> *Il est tres riches et grant gouverneur et entremetteur en la partie des adversaires...* AN, X1a 9198, fol. 266vo (1425, August).

<sup>16</sup> Nicolas de Baye, *Journal, 1400-1417*, A. Tuetey (ed.), 2 vol., Paris, 1885-8, ii. 243-6; Demurger, 'Guerre civile', pp. 284-5.

*Connections* – When making his rough assessment of the ransom, the captor included ‘what the wealthier connections of the prisoners were likely to add.’<sup>17</sup> A couple more examples, beside that of Pesteil, follow. Colard de Mailly’s plea at the Parlement of Paris clearly suggests that the ransom of his half brother, Robert, bastard of Mailly, had been fixed in proportion to his own financial means.<sup>18</sup> The case of Henri Gencian is even more compelling.<sup>19</sup> The Lord of Varembon, his master, fixed his ransom at 6,000 crowns in accordance with his connection to the duke of Bourbon. He even sent letters to the duke himself to ask him to pay Gencian’s ransom. The tortures inflicted on the prisoner resulted from Bourbon’s silence. In this case, the financial resources of the prisoner had not been taken into account at all, until the varlets of Varembon eventually negotiated the ransom with Gencian during their master’s absence.

### *Mechanisation of the process*

These three factors are likely to have played an equally significant part in the assessment of the ransoms at a higher level of the hierarchy. Lower down the scale, there is reason to believe that ‘function and status’ was the dominant factor. The clearest example of this is the negotiation which took place at the surrender of Pont-Audemer in 1449.<sup>20</sup> The English captain Osborne Mondefort agreed to surrender to Jean de Dunois, bastard of Orléans, on the condition that he would pay £440 (2,000 crowns) for his ransom. Mondefort also negotiated the ransom of his men. Each man-at-arms would pay £6.5 (30 crowns) to regain his freedom and each archer, £2.5 (12 crowns). The second captain of the town, William Bucton, made a separate agreement according to which he was bound to pay £220 (1,000 crowns) and les marz. Each man-at-arms on his side would pay £5.5 (25 crowns) and each archer, £2.5 (12 crowns). These details are reported by Mondefort in the framework of an inquiry. If we cannot entirely trust the figures themselves, this case reveals nonetheless how the financial value of the members of the garrison was determined on the basis of their function and status.

Looking at the evidence of the scales of ransom, there is every reason to believe that this method of assessment was rather common in the first half of the fifteenth century. The file of contracts for the payment of the royal rights on ransoms from Agincourt in 1415 and 1416 is

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<sup>17</sup> Keen, *The Laws of War*, pp. 158-159.

<sup>18</sup> AN, X1a 78, fol. 271ro (1449, September).

<sup>19</sup> AN, X1a 4798, fol. 190rv (1440, April 28).

<sup>20</sup> BN, Ms Fr 4054, fol. 147, no. 81 (1449, August 20). Contamine refers to this agreement in ‘The Growth of State Control’, p. 172.

revealing.<sup>21</sup> At the bottom of the hierarchy, the most recurrent amounts of these royal rights prove to be proportional to each other (22s 3d/33s 4d/44s 6d), suggesting that the corresponding ransoms were also proportional to each other (£10/£15/£20).<sup>22</sup> This scale of ransoms had most probably been built around the status and function of the soldiers in the French army. In the same period, it is interesting to note in the accounts of Simon Fleet, controller of the treasurer of Harfleur, that the ransom of Colyn de Betancourt, a French esquire, amounting to £22 4s 5d q, was almost exactly equivalent to a third of that of the French knight, Charles de Nevale, which had been fixed at £66 14s 4d.<sup>23</sup> There is evidence of the application of a similar method of assessment in more ordinary situations. Indeed, it was certainly not by accident that among the four most recurrent prices of ransom collected by Philippe Contamine from the 200 counter-rolls of Norman garrisons between 1420 and 1440, three are proportional to each other: 10 crowns ½ mark (£3)/ 20 crowns 1 mark (£5.5)/ 40 crowns 2 marks (£11.5).<sup>24</sup>

Another method of assessment points towards a similar systematisation of the ransoming process of groups of prisoners. We learn in the letter of obligation of Pètre de Ensreille, a pledge for the ransom of Nicolas de Melligny, *le Petit*, in 1429, that the latter together with 8 other prisoners ‘put themselves... together at ransom and finance to the amount of 650 golden crowns’.<sup>25</sup> This sum was shared out among the prisoners (*laquelle somme ait esté gettée, imposée et assise par les dessus diz prisonniers à porcions*). In this division, Melligny’s contribution amounted to only £5.5 (25 golden crowns). As it appears, the total amount of money was divided up by the prisoners according to their financial resources. Even if we cannot be sure that this was done according to the status and function of Mellignies, this agreement does, however, show ingenuity and efficiency in the process of assessment. The settlement for the ransoms of eight French lords who had been taken prisoner at the surrender of Neuchâtel in Anjou in 1428 shows a similar process.<sup>26</sup> The total sum they had to pay to William Glasdale amounted to £352 (1,600 crowns), which was shared out between the lord of la Suse (£88 – 400 crowns), the lord of Rays (£167 – 760 crowns), Lancelot Fresowe (£66 – 300 crowns) and Pierre Bessonneau (£31 – 140 crowns). There is another example of

<sup>21</sup> Ambühl, ‘Le sort des prisonniers’, p. 781.

<sup>22</sup> It’s also important to note that the amounts of the ransom are calculated here on the basis that the masters of the prisoners paid a third of the third of the ransoms to the king. If this is true in theory, I showed elsewhere that it was not necessarily the case in practice. Ambühl, ‘A fair share’, pp. 142-8.

<sup>23</sup> TNA, E 101/48/7 (1415-9).

<sup>24</sup> Contamine, ‘Rançons et butins’, p. 260. The third most recurrent value is 20 crowns.

<sup>25</sup> Luce, *Jeanne d’Arc*, pp. 235-6, no. 203 (1429, January 13).

<sup>26</sup> TNA, C 1/12/188 (1433).

collective ransom also in 1428, at the surrender of the castle of Laval.<sup>27</sup> The ransom of André de Laval, lord of Lohéac, was fixed at £5,500 (25,000 crowns), while the garrison was ransomed for £3,520 (16,000 crowns). Similarly to the agreement at Pont-Audemer, the leader of the company was put to ransom separately and here too we can observe a huge gap between the value of the captain and his men. It is interesting to note, however, that the prices are remarkably higher in this case.

### *A scale of ransoms in the Hundred Years War*

Building a scale of ransoms during the Hundred Years War is a particularly difficult task, although some historians have made attempts. The data gathered by Bériac-Lainé and Given-Wilson about the ransoms of Poitiers (1356) enabled them to build up a scale of ransoms. Counts and bishops were worth between £2,000 and £8,000, barons, between £500 and £2,000; knights and esquires, between £50 and £500 and, finally, varlets and other servants, at the most, £50.<sup>28</sup> With regards to Agincourt (1415), it would seem that knights' ransoms amounted to between £56 and £666 and those of 58 out of 129 prisoners mentioned in the file of contracts with the crown, to which reference was made earlier, were less than £50.<sup>29</sup> Ransom figures gathered by Andy King who studied the practice of ransoming on the Scottish Marches ranged between £100 and £333 for knights.<sup>30</sup> In general, all these figures seem rather derisory compared to prominent individual cases: £1,992 for John Bouchier; £2,200 for Jean Régnier; £2,772 for Olivier de Coëtivy; £2,988 for Jean, lord of Rodemack; £3,960 for Thomas Rempston; £7,040 for Arnaud-Guilhem de Barbazan; the same for Guillaume, lord of Châteauvillain; £13,333 for John Holland, earl of Huntingdon; £22,000 for Louis de Bourbon, count of Vendôme; £20,000 for William de la Pole, earl of Suffolk; £26,666 for Jean, duc d'Alençon; £28,600 for Jean, duke of Bourbon; £44,000 for Charles, duke of Orléans; and £88,000 for King René.<sup>31</sup> Bériac Lainé and Given-Wilson consider the ransoms of Poitiers to be relatively low in comparison to the 1360s and the beginning of the 1370s as well as within the period between Agincourt and the treaty of Arras (1435).<sup>32</sup> They put forward the difficult economic background in the 1350s as well as the massive number of prisoners as reasons for the change in conditions of the 'ransom market'. The difficult end of the Agincourt campaign

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<sup>27</sup> Beauchesne, 'Jean des Vaux', pp. 259-60.

<sup>28</sup> Bériac-Lainé & Given-Wilson, *Les prisonniers*, p. 190.

<sup>29</sup> Ambühl, 'Le sort des prisonniers', p. 782.

<sup>30</sup> King, 'According to the custom', pp. 263-90.

<sup>31</sup> I have added some English figures to those collected by Contamine, 'Rançons et butins', p. 260.

<sup>32</sup> Bériac-Lainé & Given-Wilson, *Les prisonniers*, pp. 190-2, 195.

and the amassing of prisoners before the wall of Calais could also explain why the ransoms of Agincourt were not higher. King, who also sees his figures as relatively low, seems to assume that they resulted from a mutual courtesy on each side of the border.

Yet, when we compare these observations, it is interesting to note the relative coherence of three very distinctive levels of the military hierarchy. At the bottom level, there were the town or castle garrisons and the large bulk of the lesser soldiers captured in battle. Their financial value did certainly not exceed £50 and it would seem that the average ransom was less than £20. The middle level included prisoners who were worth between £20-£50 and £500 generally the nobility. At the lower end of this level is the large section of the lesser nobility. (The distinction between esquires and knights is, I believe, not entirely relevant. A wealthy esquire could all too easily exceed the value of a knight.) At the higher end of this level are the combatants who enjoyed certain notoriety or held a relatively good office – for example the captain of the garrison. Finally, at the top, there were the outstanding individuals who moved in higher realms. They were wealthy lords, princes of the blood or powerful commanders. Their capture and ransom would inevitably be reported in the chronicles and usually left traces in the surviving administrative or legal records. This high visibility has made them known to historians, who have devoted close attention to some of them. On no account, however, should their cases be considered as standard. The scale of ransom which I propose here is however not entirely satisfactory. Questions remain about the lower level of this hierarchy. Garrisons were composed of various elements of military society, including nobles. This is rather strange given the particularly low prices of ransoms in Norman garrisons and at Pont-Audemer. One possible explanation would be that the noble element of the garrison had gradually disappeared in the course of the war.

## **II. Negotiating the ransom**

We have already seen how masters exploited the vulnerability of their prisoners to squeeze the biggest possible ransom out of them. Psychological and physical pressures on the prisoner were widespread practice to which no legal or executive authority was able or willing to put an end.<sup>33</sup> In spite of this, the dialogue between the master and his prisoner was a necessity if the former wanted to secure a deal. As we have seen, Varenbon imposed a very unrealistic ransom on his prisoner, Henri Gencian – making it impossible for the latter to

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<sup>33</sup> See above, pp. 30-1 and 96.



afford it. Ultimately, negotiations took place between Gencian and Varembon's varlets. A more reasonable price was agreed and the ransom was eventually paid. The negotiations for the ransom of Philippe de Vigneulles and his father in the late fifteenth century gave rise to a veritable battle of wills with their captors.<sup>34</sup> Their resistance to the pressure exerted on them paid off, as their ransom was ultimately reduced to slightly more than a fifth of its initial amount. In general, the master would eventually loosen his grip on the prisoner once a suitable agreement had been settled with him and once he had sufficient guarantee that the prisoner would fulfil his obligations. Such a situation might well involve a long period of captivity.<sup>35</sup> Some contracts included penalty clauses in case of default of payment. It was agreed for instance that the ransoms of Eudes de Champdenay and Jean lord of Poix would double if the former and the pledges of the latter did not honour their obligation in due time.<sup>36</sup> However, putting extra pressure on captives who already showed difficulty in raising the money for their ransoms was not sensible, for it might simply lead them to bankruptcy. Securing a deal might necessitate more flexibility from the masters who needed to readjust their claims and explore alternative ways of ransoming.

Payment of ransoms and exchanges of prisoners were most probably the two main ways by which prisoners regained their freedom during the Hundred Years War. There is no doubt that, in some instances, exchange was the priority for the masters of the prisoners, who hoped to liberate a friend, relative or subordinate.<sup>37</sup> However, evidence shows that, in many cases, exchanges were a secondary option which was considered because the prisoner could not find

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<sup>34</sup> P. Contamine, 'Autobiographie d'un prisonnier-otage : Philippe de Vigneulles au château de Chauvency (1490-1491)', in *Les prisonniers de guerre dans l'histoire*, 39-46.

<sup>35</sup> Guérart de Saint-Lon kept his prisoners in captivity during three months *jusques a ce qu'il feust seur de certaine finance a quoy lui* [Jean de Gré] *et les autres dessusdiz s'estoient rançonnez audit suppliant*. AN, JJ 177, fol. 18rv, no. 35 (1444, December). As a guarantee, masters often required the payment of a first instalment while the prisoner was still in prison. This was the case of John Bouchier (a third of the ransom), Charles duke of Orléans (a third), John Hastings, earl of Pembroke (about two-fifths), Thomas Rempston (half). In 1370, Jean Parentis, royal sergeant, claimed in the Parlement of Paris that he was authorised to keep his prisoner in captivity until complete payment of his ransom, as was the custom. AN, X1a 22, fol. 86vo-87ro (1370, September 27). When he petitioned Henry IV for the issue of a safe-conduct, Guillaume de Forest anticipated that he would remain in prison until payment or an agreement was made for his ransom. TNA, SC 8/250/12477 (1412).

<sup>36</sup> Keen, *The laws of war*, p. 168 and n. 3. See also the threats to Jean du Ruslay in *Livre des Miracles*, p. 79, no. 127 (1438, February 17). What is more, the law of arms would have even allowed masters to put prisoners to ransom afresh if the latter failed to pay on time, as was claimed in the legal case for the ransom of Olivier Du Guesclin. Given-Wilson, 'The ransom of Olivier du Guesclin', p. 23.

<sup>37</sup> For example, Thomas Rempston claimed that he was 'unable to have his release in any way other than by the release of the said Guillaume [Bouteiller]'. *PROME*, xi. 179-80 (1435, October). In 1443, Guillaume Quesnel *ne pouvait bonnement estre délivré sinon par moyen de la délivrance de Geffin du Tallus, prisonnier à Caudebec que réclamait pour ssa qualité de clerc l'archevêque de Rouen*. Goulay, 'La résistance', p. 97; Jones, 'Ransom brokerage', p. 230.

a way to raise the money for his own ransom. The trials and tribulations of the English knight John Talbot offer a good example of this at a high level of the military hierarchy. The English captain fell into the hands of the French esquire, Poton de Xaintrailles, following his capture at Patay, in 1429. Talbot claimed that he was put to so ‘unreasonable and unbearable’ a ransom that he could simply not afford it.<sup>38</sup> As a result, he petitioned the king and lords in Parliament who agreed to write to the duke of Bedford to find out ‘whether or not the handing over of the said Arnaut-Guilhem de Barbazan might fully secure the release from prison of the said Lord Talbot and Sir Walter Hungerford junior, or else at least the said Lord Talbot.’<sup>39</sup> However, nothing of this petition materialised as Barbazan was released from his prison in Château-Gaillard in February 1430, when the French repossessed the fortress.<sup>40</sup> In July 1431, Xaintrailles agreed to sell his rights over Talbot to Charles VII.<sup>41</sup> A month later, a twist in events raised hopes for a new deal. Xaintrailles fell into the hands of Richard Beauchamp, earl of Warwick and father-in-law of Talbot. Negotiations took place for the release of both prisoners between September 1431 and February 1433.

Curiously enough, in the meantime, Talbot had been granted a licence by the king to export at his will and free of custom the salt which John, duke of Brittany, the king’s uncle, had given to relieve him from the unbearable price of his ransom.<sup>42</sup> This early sign of trouble in coming to an agreement is confirmed in July 1433, when there is clear evidence that the project of exchange had fizzled out.<sup>43</sup> At that time, Xaintrailles, together with 50 men in his company, received a safe-conduct to go to France in quest for his ransom.<sup>44</sup> Also, we know that Henry VI bequeathed to his beloved cousin *the gabel of 2,000 metres of salt to be taken in oure said royaume of Fraunce and duchié of Normandie* in aid for his ransom.<sup>45</sup> This was worth a huge £8,000 at the time of the grant (which is unknown). Talbot had still not received anything from it in 1444 when the king ordered his treasurers and chamberlains of the exchequer to pay the said sum to Talbot. What probably made this project fail was the contract of sale that Xaintrailles had sealed a month or so before his capture and which could

<sup>38</sup> *PROME*, x. 383 (1429, September).

<sup>39</sup> Barbazan was taken prisoner in 1420 at the capitulation of Melun. Monstrelet, *Chronique*, iv. 12-3; Saint-Denis, *Chronique*, v. 449.

<sup>40</sup> Cousinot, *Chronique*, pp. 464-5 (1430, February 24).

<sup>41</sup> AN, 1 AP/175, no. 28 (1431, July, 15).

<sup>42</sup> *C.P.R. 1429-36*, p. 211 (1432, July 8).

<sup>43</sup> It is usually assumed that the project materialised. Jones, ‘Ransom brokerage’, p. 235; *English Suits*, p. 307.

<sup>44</sup> *Foedera*, x. 553 (1433, July 22). In 1 May 1437, Charles VII issued an order to pay £700 (4 200 l.t.) being part of 6 000 reaulx, which had been granted to Xaintrailles in compensation for his capture and ransom. BL, Add Ch 3804.

<sup>45</sup> TNA, E 404/59/288 (1444, August 7).

not be withdrawn. To summarise, as he could not afford his ransom, Talbot explored two different projects of exchange as an alternative way to regain his freedom. Unfortunately for him, both of them failed and the English knight was ultimately compelled to pay his ‘unbearable’ ransom. The raising of funds proved to be long and particularly difficult.

In many other cases, projects of exchanges were successful. This was thanks to the intervention of ‘brokers’ according to Michael K. Jones. The role of Jones’ brokers consisted of securing an appropriate captive to facilitate the exchange (or alternatively securing ‘a remission of the ransom from a French prisoner’s account’).<sup>46</sup> The most convincing example in support of his argument is probably the letter of John Fastolf, dated between 1436 and 1440, in which he reminded two English esquires, Henry Inglose and John Berney, that *you were delivered out of prison by the means of 2 prisoners that I delivered to you*.<sup>47</sup> The purpose of this letter is as significant as its content, for Fastolf asked the two men to confirm how another English esquire John Mautby had been released due to his intervention - by purchasing and delivering another French captive. It is clear that intermediaries, like Fastolf, played an important part in these exchanges. The following legal case, in 1432, highlights their role and, at the same time, the complications that may have ensued from the frequency of this practice of exchange.<sup>48</sup> Guillaume Dorot had purchased, from the earl of Huntingdon, two French prisoners, Jean Dartaing and Guillaume Le Fèvre, who promised to release his son if he in turn released them. The two prisoners, however, did not keep their word and Dorot’s son was compelled to ransom himself. Jean de La Haie, a knight, stood as a pledge for Dartaing in prison. This situation conflicted with the interests of William Bucton, who claimed that he had bought the rights over La Haie. Bucton hoped to obtain the liberation of four companions who were prisoners of Denis de Chailly, through the release of La Haie. The hard work of these intermediaries or brokers is further emphasised by André Marchant, governor of Orléans, who claimed that the ransom of his son captured at Rougemont, for which he bought an Englishman, entailed great expenses in travels, medicines ‘and otherwise’.<sup>49</sup>

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<sup>46</sup> Jones, ‘Ransom brokerage’, p. 229.

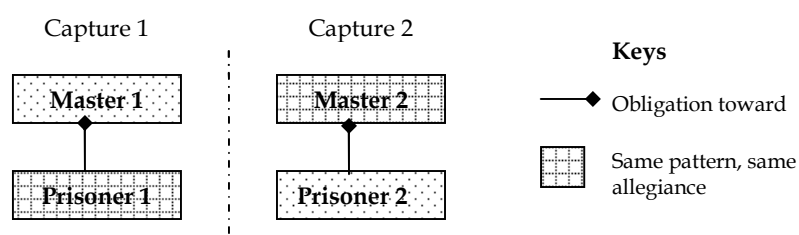
<sup>47</sup> This letter to which Jones (‘Ransom brokerage’, p. 230) referred is published in *Paston Letters and papers of the fifteenth century*, N. Davies, R. Beadle & C. Richmond (ed.), Oxford, 3 vol., Oxford, 2004-5, iii. 46-7.

<sup>48</sup> AN, X1a 4797, fol. 215ro-216ro (1434, December 22).

<sup>49</sup> AN, X1a 9198, fol. 266ro (?1425).

I believe that Jones's strong emphasis on the role of the brokers overshadows the driving force in these projects of exchange: that is, the prisoner (and possibly his servants). This can be clearly seen in the ransom cases of Talbot and Xaintrailles, which have just been investigated. Both prisoners and their servants led the negotiations between their respective masters. What is more, many exchanges did not involve the intervention of any broker. In order to fully clarify the role of the prisoners, there is need to put the mechanisms of these exchanges under close scrutiny.

**Figure 1: Project of exchange**



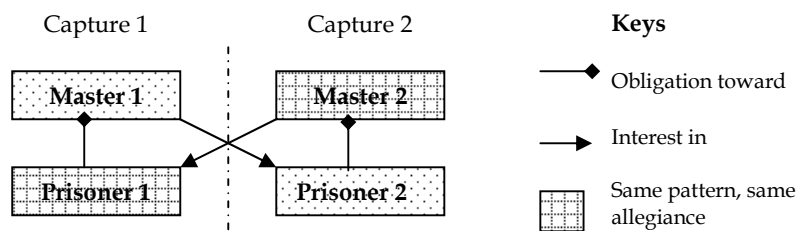
Projects of exchange originated in the rapprochement of two separate captures of prisoners in opposite camps (*figure 1*). In some instances, when strong mutual interests in prisoners underpinned this rapprochement, one could expect matters to run smoothly as every party would be inclined to contribute to the realisation of the project (*figure 2*). Negotiations for the evacuation of places which included the release of prisoners on both sides must be included in this category.<sup>50</sup> Barbour refers to similar agreements occurring in the framework of a Scottish campaign in 1318, where exchanges were arranged more or less on the spot.<sup>51</sup> Negotiations, did not, however, always run so smoothly. The likelihood that two different captors would be equally interested in their respective prisoners 'of roughly commensurate rank' (in Jones's words)<sup>52</sup> is particularly low. This almost occurred when Xaintrailles, with Talbot in his hands, was, in his turn, captured by Beauchamp, who was the father-in-law of Talbot. There surely was a strong mutual interest in this case, but the likelihood of this happening was rare.

<sup>50</sup> See, for instance, the treaty for the evacuation of Véretz in 1360. Timbal, *La guerre de Cent Ans*, p. 441, n. 218. Matthew Gough intended to proceed to the release of prisoners *par baillant prisonnier pour prisonnier* when Louviers would ultimately surrender, as the Welsh knight stated in a letter to the burgesses of Evreux in 1431. Jones, 'Ransom brokerage', p. 230.

<sup>51</sup> King, 'According to the custom', p. 276.

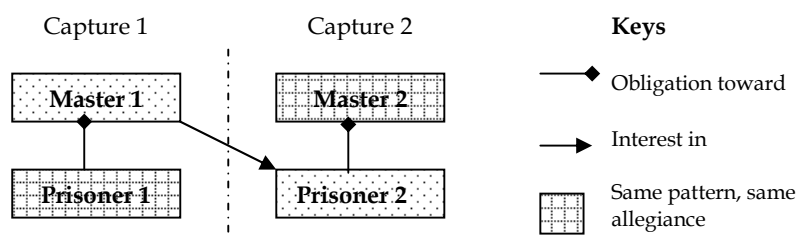
<sup>52</sup> Jones, 'Ransom brokerage', p. 229.

**Figure 2: Mutual interests**



The most common situation is illustrated by *figure 3* where the rapprochement between the two captures operates on the basis of a single link between captor and prisoner of the same allegiance. For instance, Tanguy du Châtel (*master 1*) who had in his hands Thomas Rempston (*prisoner 1*) showed a strong interest in releasing Guillaume Bouteiller (*prisoner 2*) who was in the hands of the Duchess of Clarence (*master 2*).<sup>53</sup> On the other hand, Clarence (*master 2*) had no interest in Rempston (*prisoner 1*). Another example: John Cornwall (*master 1*) who had Louis de Bourbon, count of Vendôme (*prisoner 1*), in his hands was interested in the liberation of John Holland, earl of Huntingdon (*prisoner 2*), who had been captured by John Sibbald (*master 2*).<sup>54</sup> Here again, in this case, *master 2* had no interest whatsoever in *prisoner 1*. Apart from the examples which occur in the previous category of mutual interests, I believe that *figure 3* applies to every other project of exchange. (The role of Jones's broker, such as John Fastolf, Guillaume Dorot or William Bucton is taken by *master 1*.)

**Figure 3: Single interest**



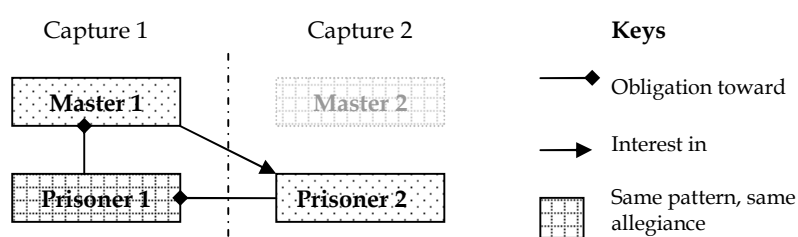
This representation helps to visualise the major obstacle in the execution of the exchange projects - i.e. the absence of connection between *prisoner 1* and *master 2*. In this context, Olivier le Forestier was lucky enough that, following his capture at Verneuil in 1424, his brother Pierre captured Jean des Loges whom Forestier's captors *avoient moult chier... et le*

<sup>53</sup> See *PROME*, xi. 179-80. The ransom of Thomas Rempston has recently been studied by Bolton, 'How Sir Thomas Rempston paid his ransom', pp. 101-18.

<sup>54</sup> About the capture and release of Holland, see Stansfield, 'John Holland', p. 108. See above, p. 79 and n. 116.

*desiroient trop a avoir*.<sup>55</sup> Unilateral interest had become mutual interest. Yet, in general, *prisoner 1* had no such luck and, often, in order to secure his release it was his responsibility to negotiate with *master 2*. Very often this negotiation included *prisoner 1*'s acquisition of the rights of *master 2* over *prisoner 2* (*figure 4*). This could prove very difficult, as Raoul de Gaucourt described in his complaint against Louis, lord of Estouteville.<sup>56</sup> As we have seen, the two French knights (*prisoner 1*) had agreed as part payment of their ransom to release six or seven English prisoners (*prisoner 2*) who were 'very harshly treated' in France. Gaucourt carried out the mission, as he stated: 'I returned to France, and incurred great loss, as well as trouble, in the liberation of from six to seven score prisoners, gentlemen, merchants and soldiers; advancing [a deposit], so that upon paying the surplus, they might be set at liberty by a certain day.'<sup>57</sup> Once back in England, Gaucourt made known to Henry V (*master 1*) the difficulties he had encountered in securing the liberation of the prisoners. Henry asked him to bring them to London. 'Upon this I employed all my interest with my friends and incurred such responsibilities and obligations that I obtained the liberation of the six or seven score prisoners whom I supplied with new clothes and liveries, and likewise brought to London in a ship hired for the purpose.' After that, Gaucourt and Estouteville also paid the expenses incurred by maintaining the prisoners in the Tower of London for four and a half months.

**Figure 2: Acquisition of rights**



Every *prisoner 1* may not have had such hard work in acquiring rights over *prisoner 2*. It must be noted, however, that Gaucourt's complaint is the only document which goes into such detail. Had other such in-depth statements survived, they may well have drawn a similar picture of what was happening behind the scenes. Occasionally, we see prisoners in action,

<sup>55</sup> AN, X1a 9201, fol. 94v (1432, July 31). These very favourable circumstances did not however prevent the collapse of the project of exchange, as Des Loges was dishonestly put to ransom by the man who had been entrusted with his custody.

<sup>56</sup> See above, pp. 71-2.

<sup>57</sup> Nicolas, *History of the battle*, Appendix, p. 26.

like Richard Ouseltes who, in 1412, requested a safe conduct to go to Calais to deliver Trenewyth and Brown, imprisoned by the French and released by the petitioner's ransom.<sup>58</sup> In 1420, Aubert de Montfort, prisoner of Perrinet Gressart, was sent to Bourges, in the framework of an exchange with a Burgundian prisoner imprisoned with Jean Séguinat in the tower of Bourges.<sup>59</sup> It should be noted that when negotiations had a positive outcome, *prisoner 1* ended up paying *master 2* for *prisoner 2*, as there was no reason for *master 2* to give up a well-deserved ransom for the sake of a man of the same allegiance but with whom he had no connection.<sup>60</sup>

Given *prisoner 1*'s trouble in acquiring rights over *prisoner 2*, which very often involved money, there is reason to wonder why he would not directly pay his ransom to his master in the first place. How could he afford the rights to *prisoner 2* if he could not raise the money for his own ransom? The answer is that it was most probably easier for *prisoner 1* to liaise with *master 2*, as they were both of the same allegiance. However, as we have seen, the shared allegiance did not prevent some transactions being particularly difficult. And subsequent disagreements could easily end in court. For example, Gilet and Jaquotin de Coquerel (*prisoners 1*) were involved in a legal case against Girard Rolin, captain of Lagny (*master 2*), in 1420, because of their alleged failure to pay for the release of two prisoners (*prisoner 2*) which had secured their own liberation.<sup>61</sup>

Finally, some prisoners who had been offered the opportunity to organise an exchange by their master simply declined as they had no power to do so. The following story of the English esquire Thomas Cooley illustrates this point.<sup>62</sup> The latter, under the command of John Talbot at Saint-Laurent-des-Mortiers, was taken prisoner by the French at Sablé, sometime in 1429. His ransom was fixed at £198 (900 crowns) in addition to some customary rights (les marz?). After three months of harsh captivity, his release on parole was pledged by three

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<sup>58</sup> TNA, SC 8/305/15219 ( ?1412).

<sup>59</sup> Bossuat, *Perrinet*, p. 7.

<sup>60</sup> The count of Vendôme bought Sibald's right to John Holland. *PROME*, x. 252-3 (1425 April). John Beaufort, earl of Somerset, bought Henry VI's rights over Charles d'Artois, count of Eu. *P.O.P.C.*, iv. 294; TNA, E 404/53/153 ; *Foedera*, x. 664; see also Harris, *Cardinal Beaufort*, pp. 279-80. Thomas Rempston had seemingly not the means to repurchase Clarence's rights on Guillaume le Bouteiller. The man was however, powerful and resourceful enough to make his plea heard by the commons in Parliament. *PROME*, xi. 160; 179-80 (1435, October).

<sup>61</sup> Rolin claimed 1,200 crowns as compensation. The Coquerel's pretended that they had not made any promise to Rolin, but that they had graciously offered him to do whatever he wanted. According to them, Rolin asked them for 'a pile of goblets of 6 marks', which they gave to him. AN, X1a 4793, fol. 10v, 13ro (1420, January 13). Sentence is unknown.

<sup>62</sup> *Actes*, ii. 149-53, no. 198 (1429, September 18).

hostages. However, he was forced to go back to prison as he could not raise the money. After a re-evaluation of the situation, his masters gave him the option to regain his freedom through the liberation of the French captain of Coursillon, possibly Jean du Bueil, who was the prisoner of Gilbert Halsall, at Laval. But he declined this offer for *il n'avoit pas la puissance ne faculté de paier la somme pour laquelle il tenoit et estoit prisonnier*.<sup>63</sup> His angry captors put him back in prison and increased his ransom to £242 (1,100 crowns). He endured harsh conditions of captivity during two weeks, at the end of which his masters suggested to him that he should fight for the French.<sup>64</sup> We have already mentioned how this option was taken by many a prisoner who was bankrupt.<sup>65</sup> Yet, Cooley refused and, shortly afterwards, was given a final option. He was asked to capture a Norman, Jean d'Anisy, and to hand him over to them. He carried out this mission and subsequently asked remission for this act of treason. In reading this example, one must evidently keep in mind that Cooley was keen to show himself in a good light. Nevertheless, it highlights the hierarchy of priorities for captors (ransom, exchange, change of allegiance, treason) and the significance of negotiations.

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<sup>63</sup> Ibid., ii. 149-53, no. 198 (1429, September 18).

<sup>64</sup> *Rendez vous François et tenez nostre parti, et nous vous quicterons de vostre rançon*. Ibid., ii. 152.

<sup>65</sup> See above, p. 56 and below, p. 151.



## Chapter 6

### *Between enemy territories*

Practical difficulties arose because of the private nature of the ransoming process. Particularly challenging was the need to build bridges with the enemy and the need to travel through his territories. Jean de Cayeu, a banker of Amiens, who carried out a transfer of money for the payment of the ransom of two prisoners, was accused of intelligence with the enemy by the General Attorney. However, he strongly protested:<sup>1</sup>

And [to] what the general attorney says that it is illegal to contract with the adversaries... [He] answers that, in several circumstances, one can contract with the enemies, i.e. in the case of prisoners, and saying the opposite is unjust, and in such case for the deliverance of his body, [the prisoner] is allowed to ransom himself without the king's consent, *et hoc est cuilibet licitum*. And then if the prisoners can, the friends of the prisoners can too, for otherwise the prisoners cannot help themselves unless through their friends.

The Parlement of Paris eventually dismissed the argument of the General Attorney in its sentence pronounced in January 1436. This was only fair, one may think. How would a prisoner find his way to freedom if communication with the enemy was forbidden? Nevertheless, the General Attorney highlights a fundamental issue here, as connections with the enemy did represent a threat to public safety. This last chapter on the ransoming process will be devoted to the methods of and problems with communication between enemy territories. In theory, matters should have been settled relatively smoothly, as these contacts were supposed to be handled by professionals: that is, the heralds. However, as we will see, most business was carried out by the prisoners and their entourage, under the protection of 'good, safe and loyal' safe conducts, as the expression goes. These authorisations were, however, far from infallible.

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<sup>1</sup> Bossuat, 'Les prisonniers de Beauvais', p. 30.

## I. The heralds

According to Herald Sicile's treatise, heralds – kings of arms and pursuivants of arms – enjoying immunity of war, were the designated individuals to conduct the negotiations with the enemy for the release of prisoners of war.<sup>2</sup> Their role on the battlefield of counting and drawing up a list of the casualties and prisoners captured by the enemy is already well known.<sup>3</sup> What are far less known are the great expectations concerning their involvement in the process of ransoming. In the aftermath of the battle, according to Sicile, heralds should enquire about the captives and 'must comfort them according to their office' (*les doivent reconforter selon leur office*). They had to stand as surety for the payment of the ransoms of noblemen and, if they were requested to do so, they were expected to lend gold, silver and horses. With regards to the non-nobles (archers and varlets), heralds were expected to pledge their release or simply to pay their ransom provided that they could ensure compensation from the gentlemen, 'for, otherwise, they were not compelled to do it *si non par pitié et miséricorde*'.<sup>4</sup> (It is interesting to note, in passing, how these principles, as professed by Sicile, make a clear-cut distinction between nobles and non-nobles and highlight the strong attachment of heraldry to the former. Also, the last rule suggests that gentlemen would pay or pledge the ransom of those archers and varlets who were possibly in their company. This form of assistance is considered in Chapter 8.) In the ideal world of Sicile, the intervention of heralds enabled the ransom business to run smoothly.

The closest we come in practice to Sicile's theory is in a passage of the *Jouvencel*. More than ever, it is important to emphasise here that this source is semi-fictional and to highlight, at the same time, its author's strong inclination to idealise the practice of war. In this episode, Estance herald asked the Jouvencel to hand over a French prisoner who escaped his English captor.<sup>5</sup> The matters were investigated as the French prisoner claimed that he was badly treated. Eventually, the Jouvencel decided to accede to the request of the herald. Moved by pity and the interests of the English captor, Estance suggested that the Jouvencel should pay the ransom of the prisoner who was ashamed and frightened at the prospect of returning to his captor. The Jouvencel agreed and Estance *s'en retourna bien content*. In practice, the sources

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<sup>2</sup> For this and the following observations relating to the duty of heralds, see *Parties inédites*, i. 45; as cited in Adam-Eve, 'Les fonctions militaires', pp. 14-5;

<sup>3</sup> See, for instance, H. Paterson-Bedingfield, 'The Heralds at the time of Agincourt', in A. Curry (ed.), *Agincourt, 1415. Henry V, Sir Thomas Erpingham and the triumph of the English archers*, Stroud, 2000, 133-8, at p. 134.

<sup>4</sup> *Parties inédites*, i. 45 ; Adam-Eve, 'Les fonctions militaires', p. 15.

<sup>5</sup> *Le Jouvencel*, ii. 133-4.

allow us to identify three different functions exercised by heralds, insofar as the issue of prisoners of war is concerned.

*Messenger* – Heralds conveyed news between the various parties involved in the process of ransoming. There are three separate aspects to this role. Firstly, providing information about capture: John Apowel, pursuivant of arms was paid £1 6s 8d (6 golden crowns) by the chancellor of France in Rouen for having brought the news of the capture of Gaucourt and his detention in Neuchatel in 1440.<sup>6</sup> He was paid another 17s 7d (4 golden crowns) to convey the same intelligence from Rouen to Harfleur. Secondly, enquiring about the agreement: Jean de Toulangeon had been captured by the French of la Buissière in August 1423 and kept in prison in Lyon.<sup>7</sup> The chancellor of Burgundy, Nicolas Rolin, hearing of this news, sent (the brightly named) Porte-Joye, the marshal's pursuivant, to Lyon in order to enquire about the way to set the captive at liberty.<sup>8</sup> And thirdly, getting in touch with connections: Pierre de Villiers was captured on his way back from Brittany and imprisoned in Montpipeau in the late 1420s.<sup>9</sup> After some time in captivity, he managed to get in touch with a pursuivant whom he asked to contact his friends in Paris. He told him that his captors demanded £176 (800 crowns) for ransom and asked the pursuivant to tell his friends that he could not afford and would not agree to pay more than £44 (200 crowns).<sup>10</sup>

*Negotiator* – Unfortunately, the role of negotiator is not always very explicit in the sources. During the siege of Orléans, on 29 April 1429, several English heralds were inside the city *pour faict de prisonniers*.<sup>11</sup> Pierre Blondeau who escaped the Châtelet of Paris was a pursuivant of arms.<sup>12</sup> Blondeau's services had been procured by Martin le Maire for £26 (120 crowns), in the hope that he would organise his release and that of other French prisoners who were in the hands of the enemy. Le Maire was not the only person interested in Blondeau, as other people came to talk with him during his captivity for the same purpose of liberating French prisoners. If we do not know the exact role that Blondeau was expected to play in this business, at the very least, one cannot deny the significance of his intervention. The following examples are slightly more detailed. In October 1427, Richette, a pursuivant of arms of the

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<sup>6</sup> BL, Add Ch 1488 (1440, October 12).

<sup>7</sup> Monstrelet, *Chronique*, iv. 165.

<sup>8</sup> BN, Coll. Bourgogne, xxix, fol. 172 ; Bossuat, *Perrinet*, p. 18, n. 5 (1423, August 31).

<sup>9</sup> AN, X1a 4796, fol. 110ro, 181 (1429 June/ 1430, February).

<sup>10</sup> See also above, p. 114.

<sup>11</sup> Cousinot, *Chronique*, p. 285.

<sup>12</sup> AN, X1a 4797, fol. 47vo (1433, March 9).

Bastard of Orléans, had been entrusted with the mission to find and release Jean de Herbi, a servant of the duchess of Clarence, who had been sent to France under the protection of safe-conducts issued by the duke of Orléans and captured by the French on his way to the earl of Somerset who was detained in Montpensier.<sup>13</sup> Philippe de Croix, king of arms of Flanders, had been sent to Pierre Regnault, alias le Vignolet, by the duke of Burgundy for the deliverance of several gentlemen who had been captured during a raid.<sup>14</sup> Less than the liberation itself, these heralds were likely to be expected to come to an agreement with the captors, fixing the terms of the ransom. Finally, while he was languishing in prison, a pursuivant brought news to Jean Régnier concerning the dispositions taken for the payment of his ransom and, later on, managed to postpone the deadline.<sup>15</sup>

*Executor* – Finally, heralds participated in the fulfilment of the terms of the contracts of ransoms. They were conveyors of funds. This was in theory a safe way to proceed, as we have already noticed that heralds benefited from immunity of war, which, according to Keen, was much better observed than any other.<sup>16</sup> A pursuivant of arms called Châteauvillain was hired to enter into contact with a certain Yvonnet Alieu that Henri Gencian had appointed for the payment of his ransom.<sup>17</sup> Bon de Saveuses entrusted his pursuivant with a mission to bring his letter of obligation to Beauvais in order to release the two Burgundian captives, which we have mentioned earlier. Later on, the same pursuivant was required to transfer the money for the ransom of the two prisoners from Amiens to Beauvais.<sup>18</sup> They also participated in an escort or convoy in the expectation that their immunity also covered other people in their company. In July 1437, John Montgomery, bailli of Caux and captain of Arques, had entered into negotiations with Pierre Boussac, captain of Longueville for the demolition of the fortification recently rebuilt around Torcy in exchange for the release of a French prisoner in Rouen called Pierre de Maissien (in addition to a sum of 100 golden crowns or £22).<sup>19</sup> The deal involved a visit to Maissien in Rouen to make sure that he was alive and well. The Frenchman entrusted with this delicate mission, a certain Saint-Roumaing, had been provided

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<sup>13</sup> BN, PO 1513, Herbi, 2 (1427, October 1).

<sup>14</sup> ADN, B 1972, fol. 185ro-vo (1441, October 15).

<sup>15</sup> Régnier, *Les fortunes*, pp. 31-2.

<sup>16</sup> Keen, *The Laws of war*, p. 195.

<sup>17</sup> AN, X1a 4798, fol. 190rv (1440, April 28).

<sup>18</sup> Bossuat, 'Les prisonniers de Beauvais', pp. 28-9.

<sup>19</sup> BN, Ms Fr 26063, no. 3236, 3256 (1437, July 16).

with safe-conducts, but it was also decided, to ensure his safety, that he would be escorted by Nicholas Kyrk, the pursuivant of arms of Montgomery and another English soldier.<sup>20</sup>

*Authority* – Finally, I came across a significant mention of a herald being acknowledged as an authority in the redaction of letters of obligation. This late occurrence refers to the agreement for the ransom of Olivier de Coëtivy, in May 1454, which stipulated, among other things, that ‘Olivier will certify, through letters sufficiently authorised (*souffisamment auctorisées*) of a herald, notable person, that the said seals and each of them will be good, genuine and loyal, and signed with the personal hands of the said Lords and sealed with their own seals.’<sup>21</sup> As a matter of fact, this clause suggests the herald’s expertise in the matter of ransom business, at this late stage of the Hundred Years War.

## II. ‘Good, safe and loyal’ safe-conducts

*Tu scès bien que l’ung ennemy ne viendrait point à l’autre s’il n’avoit seureté.  
Le Jouvencel (ii. 29)*

### *Travelling under protection*

This particular knowledge and expertise in the conduct of ransom business did however not confer any exclusivity to heralds in the ransoming process. Indeed, they are relegated to the background in the sources. The main conveyors of news, documents and funds were varlets, servants and relatives of the prisoner or the prisoner himself. They travelled in enemy territories under the protection of safe-conducts.<sup>22</sup>

Servants, friends and relatives were as instrumental as the safe-conducts they were provided with in the ransom case of Jean de Vendôme, vidame of Chartres.<sup>23</sup> The latter had been captured and taken prisoner to England in the early 1430s. He was in the hands of Walter Hungerford, on 11 July 1433, when the king’s chancery issued a safe-conduct for one

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<sup>20</sup> See also the role played by La Rouche Herald in the ransom businesses of Olivier du Guesclin and Olivier de Coëtivy. *Foedera*, iv. 98; Given-Wilson, ‘The ransom of Olivier du Guesclin’, p. 21. The duke of Berry, in 1373, ordered his herald to escort a bulk of English prisoners to Mortagne. AN, KK 251, fol. 128; also quoted in Lehoux, *Jean de Berry*, i. 313, 314, n. 1. Finally, Taillebourg’s herald committed to escort Talbot’s herald to England on 25 February 1455. Marchegay, ‘La rançon d’Olivier de Coëtivy’, pp. 20-1.

<sup>21</sup> Marchegay, ‘La rançon d’Olivier de Coëtivy’, pp. 20-1.

<sup>22</sup> This protection was essential. On 24 August 1378, John Boterell was granted a licence to sell John Graunt of France, the king’s enemy, whom, when he came within the realm without protection or safe conduct, he lawfully took prisoner, and at great charges kept for 28 weeks. *C.P.R. 1377-81*, p. 271.

<sup>23</sup> I have not yet been able to identify the date and circumstances of his capture.

of his clerks and servants, Jean Thibaut.<sup>24</sup> The safe-conduct was valid six months during which period he was authorised to come to England, together with two or three men, horses, luggage and all sort of (licit) goods to negotiate the vidame's ransom with Hungerford. Although the document did guarantee a safe journey back to France, a new safe conduct was issued at the moment of his departure from England, on 28 December 1433. It was valid three and a half months (until 10 April 1434) and enabled him to leave with a man in his company in order to raise the money for the ransom of his master and to come back to England with the said money.<sup>25</sup> At the same time, another safe-conduct, also running for three and a half months, was issued to four friends and relatives of the prisoner, a knight, (another) Jean de Vendôme, and three esquires, Louis and Réginald de Vendôme as well as Blanchet d'Estouteville, together with fifteen men in their retinue coming to England to pay the ransom of the vidame.<sup>26</sup> Interestingly, the document provides a detailed list of goods they were allowed to take with them: horses, books, letters, papers, sureties, gold, silver, jewels. In all likelihood, this convoy only paid a first instalment of the ransom. Réginald de Vendôme and Blanchet d'Estouteville went quickly back to France, as they received a new safe-conduct before the first one had expired. In February 1434, the duke of Bedford had issued a safe-conduct to two servants of the vidame, together with three men and three women which allowed them to go to Vendôme, Sablé, Sillie, Beaumont, la Ferté, Châteaugontier, la Guierche and elsewhere.<sup>27</sup> Without doubt, this convoy was actively working for the release of their master.

A month later, on 14 March, Jean Louis and two men had a new safe-conduct to go to England again for the vidame's ransom. The list of goods included gold, silver, vases, jewels, luggage, bags, horses and harness.<sup>28</sup> The terms of the safe-conduct refer to a 'final conclusion' for the release and ransom of the vidame. If this new delivery did not pay for the whole ransom, it did allow the release on parole of the captive. Fifteen days later, on 14 April 1434, the vidame de Chartres and his retinue, including Jean Thibaut and Réginald Vendôme, along with 10 or 12 nobles or non-nobles, friends, *banivolis* and servants, received safe conducts to go back to France.<sup>29</sup> The prisoner or his men were expected to come back to Calais within a year with a part of his ransom, to be paid in gold, silver or plates. On 24

<sup>24</sup> *per financia et redempcione... comitando, tractando et concludendo*. TNA, C 76/115, m. 5.

<sup>25</sup> *Foedera*, x. 566.

<sup>26</sup> *Ibid.*, x. 566.

<sup>27</sup> AN, KK 324, fol. 38ro (1434, February 17).

<sup>28</sup> ... *ad tractandum, communicandum et finaliter concludendum*. *Foedera*, x. 574.

<sup>29</sup> *Ibid.*, x. 580.

August, a new instalment had been delivered in Calais by Jean de Vendôme and Blanchet d'Estouteville who received a safe-conduct to leave the town.<sup>30</sup> The same people were again in Calais on 9 October when they were provided with a new and similar safe-conduct running out on 2 December.<sup>31</sup> This business which, up until that point, seems to have run relatively smoothly was apparently disrupted toward the end of the year, as the next time we meet Jean de Vendôme and Blanchet d'Estouville, they stood as hostages in England for the ransom of the vidame, in 1435, and were eventually released on 26 October of that year.<sup>32</sup> As their safe-conduct did not mention any return to England or Calais, it can be reasonably assumed that the ransom had finally been entirely paid. In many other instances where a lesser prisoner did not benefit from the support of such a strong network, it was his own responsibility to raise the funds and convey the money wherever and whenever it had been agreed with his captor.<sup>33</sup>

Safe-conducts were private documents. Almost any captain could give safe-conducts, but 'the degree of security that it gave depended on the authority of the person under whose seal it was given'.<sup>34</sup> This principle is described at length in *Le Jouvencel*, where the author emphasised that it was nothing else than a matter of honour for the person who issued the document to redress the damage caused to the prisoner in the event that the safe-conduct was unjustly breached by some individual of his allegiance.<sup>35</sup> No surprise therefore that some prisoners had specific requirements concerning the issue of safe-conducts. For instance, the contract of ransom of John Bouchier, in 1374, anticipated that, at the moment of their departure, his hostages would receive safe-conducts of the king, the constable or the lord of Clisson or from both of them as an extra measure of safety.<sup>36</sup> Despite their rather formulaic aspect, safe-conducts were proper contracts, as has already been highlighted in Chapter one. On one side, the authority who issued the safe-conduct guaranteed a safe journey in his territory during a definite period of time. On the other side, as a general rule, the prisoner

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<sup>30</sup> TNA, C 76/116, m. 2.

<sup>31</sup> *Foedera*, x. 597. Charles VII's grant of £166 (1,000 l.t.), on 22 September 1434, to his *chier et feal cousin*, Jean de Vendôme, vidame de Chartres, for his valiant services against the English, who kept him prisoner for some time *et encores est*, and to aid him in paying his ransom to be levied on the inhabitants of Poitou, may have contributed to accelerate the process of payment. On the other hand, it is not unlikely that the slow levy of this grant may have caused discrepancies. BL, Add Ch 3744. In this respect, three years later, on 4 May 1437, Charles VII gave order to the president of his chamber of accounts to pay £166 (1,000 l.t.) to Vendôme to assist him in paying his expenses and ransom. This new grant is likely to have replaced the old one of which Vendôme never saw a denier. BL, Add Ch 3805.

<sup>32</sup> *Foedera*, x. 624.

<sup>33</sup> Examples abound in the Treaty Rolls.

<sup>34</sup> Keen, *The laws of war*, p. 198.

<sup>35</sup> *Le Jouvencel*, ii. 28-9.

<sup>36</sup> ...ou de deux d'eux pour s'en aller seurement. Jones, 'Fortunes et malheurs', p. 205.

promised not to bear arms while in enemy territory and to follow the route and observe all the provisions that might be stipulated in the document.

### *Governmental issues*

Rather than highlighting a point of law, the general attorney expressed the concerns and interests of the crown when he accused the banker Jean de Cayeu of intelligence with the enemy. Indeed, the latter's free circulation within their territories posed some problems of safety for the authorities. Already in 1371, the 'vicomte' of Bayeux informed Charles V about his concerns relating to the private issue of safe conducts: 'all sorts of men, captains and others are provided with English safe-conducts and trade with them and also [they] give safe-conducts to the said English who were not prisoners who travelled in the country and saw the fortresses of the country'.<sup>37</sup> In the 'vicomte's' mind, this represented a danger for the safety of the country and these fortresses. It must however be noted that prisoners were omitted from this early warning. They were seemingly considered as the only people who should enjoy the protection of safe-conducts. We have seen that the English government took strict measures in the first half of the fifteenth century.<sup>38</sup> Safe-conducts to Norman prisoners of war were barred in the ordinances of 1422. Later versions of these ordinances targeted private safe-conducts. The crown reserved to itself the right to issue safe-conducts.

Along with this tighter control of the issue of safe-conducts, the conditions set out in them became increasingly detailed and restrictive. In the safe conducts delivered in 1416, the prisoners of Agincourt committed themselves not to cause any prejudice to the king of England or to his subjects during their release on parole, as we read for instance in the safe-conduct of Mathieu de Lannoy.<sup>39</sup> Beside this clause, in 1419, the king also required the prisoner to present immediately the letters of safe-conduct to the constable, *bailli* or any guardian of the place where he intended to stay.<sup>40</sup> That way, the said guardian could keep an eye on his guest. In 1427, beside these two clauses, Petyt de Clarence committed himself not to act in any way against the Treaty of Troyes. Moreover, he could not remain in a place in the English obedience for any longer than a night.<sup>41</sup>

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<sup>37</sup> BL, Add Ch 32 (1371, July 28).

<sup>38</sup> See above, pp. 51-2.

<sup>39</sup> TNA, C 76/99, m. 3 (1416, February 8).

<sup>40</sup> TNA, C 76/102, m. 6 (1419, November 16).

<sup>41</sup> TNA, C 76/109, m. 15 (1427, October 24).



There is no firm evidence about any measures taken by the French government at this period. Dunois's complaint about a breach in the safe-conducts he had provided to his prisoner, John Ormond, in September 1453, however, gives an insight into the rules in force at this late stage of the war.<sup>42</sup> It is claimed, in the document written on his behalf, that 'it is just and right that my lord of Dunois who is lieutenant general of the king in Normandy can give a safe-conduct to his prisoners for the collection of their ransom, for there is no so petty captain who in the presence of the lieutenants of the king cannot issue a safe-conduct for bringing the prisoners' finances to him' (*car il n'y a si petit cappitaine que en la presence des lieutenans du roy ne puisse donner saufconduit pour lui apporter finance de prisoniers*). The last part of this statement is of particular interest, as it suggests that the issue of private safe-conducts was not forbidden, provided however that it was supervised by a direct representative of the public authorities.<sup>43</sup> A curious measure which seems to indicate that in France too, authorities tried to control narrowly the delivery of the safe-conducts. In this matter, however, it is very important to note that the English authorities did not manage to achieve their aim. As we have already noted, the ordinances in 1438 reveal that captains, lieutenant and 'baillis' did continue to issue private safe-conducts, despite the king's orders.

### *Breaches of safe-conducts*

This conflict of authorities surely contributed to undermining the value of these protections. However, there is every reason to believe that greed was behind the all too frequent infringements of safe-conducts. Jean de Dodham contested the authority of the safe-conduct delivered by Philippe the Good to Louis de Bournel, in the Parlement of Paris in 1432.<sup>44</sup> Reading through this case, we learn that it was greed which initially motivated some soldiers to capture Bournel, in spite of the protection of his safe-conduct. These soldiers had noticed that Bournel was a rich man who had '*bahu, robes et bagues*'. Greed and conflict of authorities had a more dramatic effect in the following episode reported by Enguerran de Monstrelet.<sup>45</sup> Following the surrender of the town of Roye on 18 January 1420, the Burgundian commander Jean de Luxembourg gave safe conducts to the besieged which allowed them to go to Compiègne under the escort of Hector de Saveuses. After the departure

<sup>42</sup> BN, Ms Fr 4054, fol. 166 (1453, September).

<sup>43</sup> For an example of a safe-conduct provided by Jean, lord of Bueil, admiral of France in 1451, see TNA, C 47/30/10/8. The conditions of protections and the route of the bearer of the safe-conducts are particularly detailed.

<sup>44</sup> AN, X1a 4796, fol. 298vo and 301vo; Bossuat, *Perrinet*, p. 150, n.2.

<sup>45</sup> Monstrelet, *Chronique*, iii. 366-71.

of this convoy, the earl of Huntingdon and John Cornwall along with 2,000 men went to Compiègne, as reinforcements for the Burgundian besiegers. However the siege had already finished by the time they arrived and they found themselves redundant. Moved by greed, they decided to chase the departing French convoy on its way to Compiègne, to make prisoners of those protected by safe conducts. Many Burgundian soldiers, blindly enthused by the same greed, joined the English contingent. Once they caught the French convoy, they, together with the English soldiers, took as many prisoners as they could, only to realise shortly afterwards that if the English soldiers were able to ignore the safe-conducts provided by Luxembourg, they, on the other hand, were bound by them. As a result, possibly by fear of individual reprisals, they indiscriminately killed their captives.

Many other cases could be quoted here. Ordinarily, a prisoner whose safe-conduct had been ignored by the enemy would be ransomed. Instead of looking over the numerous cases of infringement,<sup>46</sup> I will develop and comment on a rather particular case, which, although possibly entirely fictional, epitomises, I believe, the extent of this issue. This case is based on one of the hundred short stories which comprise the anthology entitled the *Cent nouvelles nouvelles*.<sup>47</sup> Allusions in the text and the identity of some authors indicate that these stories had most probably been told in the castle of Genappe during the five year exile of the Dauphin Louis, future Louis XI, in the lands of Philip the Good, duke of Burgundy, between 1456 and 1461,<sup>48</sup> and compiled, on the duke's behalf, before his death in 1467.<sup>49</sup> While the whole work is well-known for its bawdiness, the tone of the short story in question, which was told by Philippe de Laon,<sup>50</sup> is rather different.<sup>51</sup>

During the time that that detestable and pestilential war reigned between France and England, a French man-at-arms, held as prisoner by the English, was released under a safe-conduct from Lord Talbot, in order that he might arrange his ransom. While he was on the road he encountered an English sentry, who, seeing that he was French, demanded to know of him from whence he came and where he was going. He told the truth. 'And where is your safe-conduct?' asked the Englishman. 'Right with me'

<sup>46</sup> Numerous other cases could be added to those treated by Keen, *Laws of war*, pp. 201-3.

<sup>47</sup> *Les cent nouvelles nouvelles*, F.P. Sweetser (ed.), Genève-Paris, 1966.

<sup>48</sup> About the exile of dauphin Louis, see R. Ambühl, *Le séjour du futur Louis XI dans les Pays de Philippe le Bon, 1456-61*, Baisy-Thy, 2002.

<sup>49</sup> The date is discussed in the introduction of *Les cents nouvelles nouvelles*, p. xiii.

<sup>50</sup> On this Burgundian officer, see *Les cent nouvelles nouvelles*, P. Champion (ed.), Paris, 1928, pp. xix-xxi.

<sup>51</sup> *Les cents nouvelles nouvelles*, Sweetser (ed.), pp. 54-9. The original is in Old French. I borrowed the translation from A.B. Kerr, 'Legal practice in Fifteenth century France', *Virginia Law Review*, 24 (1938), 381-7.

said the Frenchman, who took it from the small pouch that hung from his belt and handed it to the sentry which the latter immediately proceeded to read. And, coming upon the words, usually inserted in all safe-conducts, ‘reserving all instruments of war’,<sup>52</sup> and noting the *aiguillettes-à-armer* – the metal tips attached to the Frenchman’s armour laces – and deciding that the *aiguillettes* were in fact instruments of war and that the Frenchman had broken the terms of his safe-conduct, said to him ‘I take you prisoner for you have breached your safe-conduct.’ The poor Frenchman, who had with him only his page and who was entirely unarmed, seeing that the sentry was accompanied by three or four archers, made the best of a bad situation and surrendered.

The author provides some interesting details in this first part of the story. Firstly, safe-conducts were carried in a small pouch. Du Beuil refers to another practice which applied in situations of open conflict. The bearer of a safe-conduct who wanted to be easily recognised wore a ‘paper butterfly on his head’ (*ung papillon de papier sur sa teste*) in those circumstances.<sup>53</sup> Secondly, it is remarkable that the prisoner, who was the victim of a scam, envisaged resisting his English assailants. Their numerical superiority however dissuaded him. In this respect, Bedford’s account for the years 1433 and 1434 shows that French prisoners who circulated in enemy territories under the protection of safe-conducts were always accompanied.<sup>54</sup> The roads were not safe and travelling in numbers was probably necessary to protect against criminals. It is also likely to have dissuaded any ill-intentioned enemies to breach the safe-conduct. Let us return to the story. Resolving not to let them take advantage of him, the Frenchman reacted.

The Englishman led him off and threw him in prison. The Frenchman, finding himself thus badly treated, sent a message over the lines in great haste to his own captain, who, learning of his subordinate’s case, was dumbfounded. Immediately he wrote a letter to Lord Talbot and sent it by a herald who presented it to the English lord. Talbot read it and then in audience in the presence of a large body of knights and squires caused it to be re-read aloud. You would have known him

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<sup>52</sup> About this rule, see AN, X1a 9199, fol. 335rv (1430, December).

<sup>53</sup> *...et estoit l’enseigne que les prisonniers et gens à sauf-conduit portoient pour le temps. Le Jouvencel*, ii. 236-7.

<sup>54</sup> The whole account is yet to be systematically treated. Very often though, we see prisoners accompanied with two or three men and one or two pages (minimum of three men with one single exception). AN, KK 324, fol. 3vo (prisoner+3men), fol. 11ro (+4 men), fol. 16ro (+4 men), fol. 19ro (+5 men); fol. 22vo (+3 men), fol. 24vo (+5 men), fol. 25ro (+3 men), fol. 28vo (+3 men), fol. 35ro (+3 men and 2 women), fol. 36ro (+3 men); fol. 38vo (+8 men), fol. 45ro (+6 men); fol. 48ro (+3 men); fol. 57vo (+3 men); fol. 65ro (+4 men); fol. 66ro (+3 men and 3 women); fol. 67vo (+1 man, +6 men); fol. 75vo (+3 men and 3 women), etc.

(confides the author in an aside, regarding Talbot) as soon as he mounted his high horse, for he had a head hot and fummy and was a stickler for etiquette, especially in matters of war; and to have his safe-conduct ignored! Phew! That stung him to the quick. To shorten the tale, he had both the English sentry and the Frenchman brought before him and ordered the latter to state his case.

In this second part, the whole situation is made known to Talbot through the intervention of the herald of the Frenchman's captain. Whether it was intentional or not, the author induces the comparison between the failure of the protection of the safe-conduct and, in contrast, the observance of the immunity of war which the herald enjoyed. In this respect, Keen argues that heralds' immunity was the best observed in those times.<sup>55</sup> We have mentioned earlier the case of the pursuivant who accompanied Saint-Roumaing to Rouen even though the latter travelled under the protection of a safe-conduct. This was believed to be necessary 'for a better protection of the person of the said Saint Roumaing. And so that the men in the obedience of our lord the king would not raise any obstacle to the safe-conduct under which he was going to the said place of Rouen.'<sup>56</sup> If it was most probably true that a herald's immunity was better observed than that of the bearer of safe-conducts, it is important to note, however, that heralds too were sometimes victims of breach in their status.<sup>57</sup> Coming back to the story, the last part which sees the confrontation of the English sentry turns into a farce. (I skipped parts of the long dialogue).

'Indeed!' said Talbot and aiguillettes are then true weapons of war? And you have no other reason for ignoring the safe-conduct?'... 'So then churl, by your own deviltry, you have held up a gentleman bearing my safe-conduct because of his aiguillettes. By Saint George, I'll show you if they are weapons of war!'

Then, boiling with rage, he went up to the Frenchman and took from his doublet the two aiguillettes, and handed them to the Englishman; to the Frenchman he gave a battle sword and then drawing his own ornamented blade from its sheath he went up to the Englishman and said:

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<sup>55</sup> Keen, *The laws of war*, p. 195.

<sup>56</sup> BN, Ms Fr 26063, no. 3236.

<sup>57</sup> We have already looked at the example of Philippe de Croix, king of arms who was robbed by the men with whom he was supposed to negotiate. Garter, king of arms, was taken prisoner when going to see the king's enemies in the late 1430s. *Issues of the Exchequer*, i. 436 (1438, July 10); TNA, E 404/54/318. See also the capture of Lonure, pursuivant, in similar circumstances. *Issues of the Exchequer*, i. 417 (1432, March 10). A pursuivant called Ovra was captured in the Empire. *Livre des Miracles*, pp. 101-2, no. 166 (1445, October 7). The last example bears witness to the solidarity between heralds from different countries. In 1446, 'le heraut serviteur particulier du duc d'Exeter', being kept prisoner, the king of arms Lancastre and Guyenne remonstrated against their French colleague. A. R. Wagner & H. S. London, 'Heralds of the Nobility', in G. Cokayne (ed.), *The Complete Peerage*, London, 1910-57, xi, appendix G, p. 72.

‘Defend yourself with those instruments of war as you call them, if you can.’ And then to the Frenchman: ‘Strike down this churl who has held you up without cause or reason. Let’s see how he defends himself with your instruments of war. If you spare him I shall thrust at you, by Saint George.’

So fiercely was the Englishman assailed that he was nigh to death and begged mercy of Talbot and of the Frenchman who was thereupon released from the payment of his ransom and acquitted by Lord Talbot. And besides, his horse, his armour and all his baggage which he had at the time of his capture were released and turned over to him.

This travesty of justice should not be taken at face value in a serious study of legal practices in the fifteenth century, as Kerr seems to do.<sup>58</sup> We can probably not exclude the possibility that litigation over such matters had been settled in such a rough way. On the other hand, we also know that infringements of safe-conducts could give rise to proper enquiries. In 1432, Jean de Mahault was captured and imprisoned in Caen, *pour ce que l’en disoit qu’il avoit rompu le saufconduit de monseigneur le regent* [the Duke of Bedford] *dont il s’aidoit*.<sup>59</sup> The prisoner and his captors were afterwards taken to Paris before Bedford to be interrogated about this arrest. Many other similar cases were debated in the English court of chancery or the Parlement of Paris.<sup>60</sup> Whether or not the issuer of the safe-conduct obtained reparation from the infringer, it was a matter of honour for the issuer to redress the damage caused to the prisoner.<sup>61</sup> The duke of Burgundy, himself, who was part of the audience in the castle of Genappe, had been confronted with this problem on multiple occasions.<sup>62</sup> Most noticeably, he paid a huge 16,000 golden crown compensation to Georges de la Trémoille whose safe-conduct issued by the Marshal of Burgundy had been breached by Perrinet Gressart.<sup>63</sup> We can therefore easily imagine the great satisfaction that this story provided to the duke, in particular, when the dishonest English sentry was humiliated in a rather spectacular manner at the end.

As another way to measure the grave incidence of this problem of breaches of safe-conducts, I will finally quote an extract of the letter of obligation sealed by the duke of

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<sup>58</sup> Kerr, ‘Legal practice’, p. 385.

<sup>59</sup> BL, Add Ch 3715 (1434, May 8).

<sup>60</sup> See, for instance, TNA, C 1/20/52 (?1426); AN, X2a 20, fol. 72r (1434, July 21); TNA, C 1/17/409 (?1433-56); Little, *The Parlement of Poitiers*, pp. 172-3. See also BL, Add Ch 11992 (1438, April 29).

<sup>61</sup> See, for instance, Luce, *Jeanne d’Arc*, p. 76, no. 26 (1420, 8 May); BN, PO 1513, Herbi, 2 (1427, October 1).

<sup>62</sup> Sir Robert, lord of Willoughby received compensation of £830 (5,000 Rhine florins). ADN, B 1972, fol. 160rv (1441, January 29).

<sup>63</sup> ADN, B 1978, fol. 168ro (1442, December 31). About this case, see also, Bossuat, *Perrinet*, pp. 66-9.

Somerset concerning the terms of the release on parole of the English knight, John Handford: *s'il advenoit que ledit Jehan de Hennefforde fut tué ou murdry non faisant guerre soubz son saufconduit* [of the French captain Pierre Jaillet] *par aucunes de votre party* [French], *en ce cas, serez tenuz nous rendre cesdictes presentes quictes et de nulle valeur*.<sup>64</sup> That a man thought it necessary to include such a dramatic clause in his contract reveals the weakness of the immunity of war conferred by safe-conducts.

To avoid the perilous journey through enemy territory, some prisoners or those connected to the prisoner opted for the restoration of intermediaries who had contacts on the enemy's side.<sup>65</sup> In March 1380, for example, three English captives acknowledged a debt of 100 marks owed to the esquire Macinco de Villeneuve, for having paid, at their request, their ransom and expenses to their French captors as well as for remuneration for his work in doing this.<sup>66</sup> Richard Boys had been released on parole to raise the money for his ransom and that of his own brother who remained in prison.<sup>67</sup> Once back in England, he sealed an agreement with Edmund Dardys, an English esquire, according to which he would be bound to pay £50 to the esquire if the latter managed to release his brother. Dardys fulfilled his side of the contract, but Boys had trouble honouring his engagement when he petitioned the king for assistance. Sometimes, the trust granted to the intermediary proved to be misplaced. In a legal case brought before the court of chancery in 1433, we learn that Richard Pers and two servants were captured by the French upon the sea and taken to Mont-Saint-Michel. Their (collective) ransom amounted to £26.5 (40 marks sterling).<sup>68</sup> Pers, apparently released on parole, raised the money and then came to William Becche with whom he made an agreement according to which Becche would release the remaining prisoners with the £26.5 he entrusted to him. Becche however broke his word and the life of the prisoners was in great danger.<sup>69</sup>

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<sup>64</sup> BL, Add Ch 12212 (1444, March 6).

<sup>65</sup> Timbal, *La guerre de Cent Ans*, pp. 352-3.

<sup>66</sup> TNA, E 210/284 (1380, March 1).

<sup>67</sup> TNA, SC8/304/15177 (1443-1456).

<sup>68</sup> TNA, C 1/12/201.

<sup>69</sup> For other examples of resorting to a third party, see, for example, TNA, C 76/100, m. 2 (1418, February 17); AN, X1a 9190, fol. 305rv (1424, August 19); *P.O.P.C.*, iv. 149-50 (18 February 1433); TNA, C 1/17/409 (1453-6); 45/37 (1433-1443 or 1467-1472).

How did the ransoming process work at the end of middle ages? We will not highlight any further the significance of the law of contract in the shaping of the ransom business at that time. The flexibility of this law left a wide scope for individual discretion and action. And it is precisely that individual action which has been under scrutiny in this second part. Firstly, I will however say a word about crown interference. State control is noticeable at the earliest stage of the ransom business: that is, the capture. There is clearly no intention to deprive soldiers of their prisoners and ransoms. The crown could simply not afford to remove this powerful incentive for combatants to enrol in its armies. The crown's intervention was primarily dictated by the needs of safety and discipline. However, even these basic rules were difficult to enforce, both because of the indomitable greed of the soldiers and, sometimes, because of the deficiencies in the rules themselves. After the moment of capture, the authorities also tried to control the issue of ransoms as long as masters and prisoners were within the framework of the army. Outside these particular circumstances, rules were sparse. Masters were expected to signal the presence of their prisoners to the authorities of a town or castle, but these authorities did not seem to keep any record of this. The English crown's successive attempts to forbid the issue of private safe-conducts probably constituted the biggest interference in the ransom business, but we have seen, at this level, how soldiers refused to comply with these orders.

Prison, custody and ransom agreements were purely private issues between masters and prisoners. If a captain was involved in the ransom affairs of his men, there is every reason to believe that it would not be on behalf of the crown, but on his own behalf and that of his company.<sup>70</sup> Close attention to the various stages of the process of ransoming reveals numerous obstacles which resulted from the absence of any official structure. There was no such place as the prison of war, for instance. Very often, captives were put in makeshift prisons. We find some of them in the supposedly safest rooms of the big tower of a castle. Many others were kept in private accommodation. This absence of proper places of detention may explain the extensive use of fetters and shackles, which are probably too quickly associated with harsh conditions of imprisonment. This measure of safety did however not prevent innumerable escapes.

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<sup>70</sup> I argue elsewhere that some knights at Agincourt may have acted as managers of the ransoms businesses of their men. Ambühl, 'a fair share of the profits', pp. 139-40. It might have been incumbent on the Burgundian *butinier*, in 1433, to receive the money of the ransom and to share it among the captors. Schnerb, *Bulgnéville*, pp. 96-7. A French war ordinance, dated on 1476, stated that any gains of war, the prisoners included, should be pooled. Contamine, 'The Growth of State Control', p. 173.

Another issue for the captors was to fix the right amount for the ransom of his captive. Excessive greed would compromise the deal. And the time for enquiring about the financial value of the captive was limited. Custody was pricey and could even prove to be too expensive. These problems were aggravated by difficult communication with the friends and relatives of the captive. Indeed, connections between enemy territories were a delicate issue, as there was no such thing as a completely 'safe' safe-conduct. Once he was free, the prisoner faced similar difficulties as he had to travel with the money for his ransom. (If it was not the prisoner himself, somebody would eventually have to organise the transfer of the money.) In the meantime, he had first to raise the money which was certainly not the easiest part of the process.

There are surely many more problems raised by the private handling of the ransom business (language, for example).<sup>71</sup> All these obstacles certainly contributed to the protraction of the process in many instances and sometimes the ruin or death of some individuals. This was however not in the interest of the masters who were undoubtedly keen on making a profit. The need for negotiations derives from the conflict between the financial expectations of the captors and the numerous obstacles to the success of the ransom business. This contributed to the particularity of every ransom agreement, which might also lead to the exploration of alternative way of ransoming: i.e. exchanges of prisoners or changes of allegiances. It must however not be deduced that contemporaries remained entirely powerless in the face of these obstacles. If they do not reveal how soldiers overcame these obstacles, the sources do, however, show that the process of ransoming at the lower level of the hierarchy must have been quite quick and efficient in the first half of the fifteenth century. This was a particularly distinctive feature of the Hundred Years War.

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<sup>71</sup> This problem of language inspired a rondel to Régnier. Régnier, *Les fortunes*, p. 85. See also *English Suits*, p. 182; Curry, *Agincourt*, p. 84.



## Part III

# NETWORKS OF ASSISTANCE

*L'on doit bien souvent visiter  
Et conforter les prisonniers,  
A son pouvoir les racheter.  
Je ne l'ay pas fait volentiers  
Et maintenant, endementiers,  
A moy qui me rachetera ?<sup>1</sup>*

Besides his self-pitying repentance for not having helped any prisoner when he had had the opportunity to do so, Jean Régnier highlights in these few verses the significant role of assistance to prisoners. Who was going to help him out? James Bolton has recently shed light on the role of merchants and bankers in the collection of funds through the ransom case of Thomas Rempston in the 1430s.<sup>2</sup> Among the latter's creditors were the manager of the bank, three well-established mercers, a tailor and a draper.<sup>3</sup> The last part will, however, be focused on the different networks of solidarity available to the prisoner rather than the potential investors. Who would assist the prisoner? What could he hope for from them? The various agents and forms of assistance will be successively studied in these two last chapters. Chapter 7 is entirely devoted to assistance from princes. Chapter 8 includes other participants: companions, friends and relatives. As we will see, a complex mixture of private interests, pragmatism, financial means and solidarity intermingled at the level of these various people, which defines various forms and degrees of involvement in the prisoner's liberation.

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<sup>1</sup> Régnier, *Les fortunes*, p. 83.

<sup>2</sup> Bolton, 'How Sir Thomas Rempston', pp. 101-18.

<sup>3</sup> *Ibid.*, pp. 111-2.

## Chapter 7

### *Assistance from princes*

Assistance for prisoners from princes is well illustrated in the sources. However, as we will see, princes were certainly not the first or main option for those in trouble. In the first section, I will examine the idea of an obligation of assistance. In the second section, I will explore the channels of princely support, from petition to grant. Finally in the third section, I will analyse the various forms of assistance to prisoners.

#### **I. An obligation toward the prisoner?**

‘Whilst the surrender of a French prisoner to captain or king was usually a legal obligation, assistance in meeting the costs of being ransomed remained a moral one,’ Jones once stated, highlighting the imbalance of the deal for English subjects.<sup>1</sup> From Schnerb’s point of view, the abundant evidence of grants to the members of the household of John the Fearless implies that the latter was bound to help them in the event of their capture.<sup>2</sup> To what extent should we talk about moral or legal obligations? The purpose of this first section is to address this important question.

Concrete evidence that princes had a legal obligation to help their subjects is extremely rare and rather circumstantial, as the following cases show. Firstly, Charles VI was bound to help his brother, Louis of Orléans if it became necessary; this included the payment of his ransom in the event of his capture.<sup>3</sup> Their family tie is a significant factor in this case. Secondly, in contracts of indenture in 1338 between Edward III and several lords of the Empire, the king committed himself to obtaining their release and that of their men if they

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<sup>1</sup> Jones, ‘Ransom brokerage’, p. 227.

<sup>2</sup> B. Schnerb, *Jean Sans Peur. Un prince meurtrier*, Paris, 2007, p. 365. See also, B. Schnerb, ‘Anglais et Ecossais dans les armées des ducs de Bourgogne au début du XVe siècle’ in *Guerra y diplomacia en la Europa occidental 1280-1480. XXXI Semana de Estudios Medievales. Estella, 19 a 23 de julio de 2004*, Pamplona, 2005, 323-35.

<sup>3</sup> AN, K 533<sup>B</sup>.

were captured.<sup>4</sup> Contamine suggests that this was a custom specific to the Empire and central Europe.<sup>5</sup> Interestingly, Edward sealed a similar contract with the count of Flanders, in February 1339. In this case again, the English king was bound to rescue the count and his men in the event of their capture. In return for his assistance, the count and his men were expected to surrender all their prisoners to him.<sup>6</sup> This unique agreement should probably be considered in the particular context of the Anglo-Flemish alliance at the beginning of the Hundred Years War. Finally, the contract of indenture between John of Gaunt, duke of Lancaster and his clerk, Guyot Grassin, in 1370, is worth noting. It anticipated that, in the event of Grassin's capture, the duke would release him from prison as soon as possible, at his own cost; in return, Grassin was sworn to secrecy about all of Gaunt's military business, of which the former knew all.<sup>7</sup> While there are probably more of these particular agreements to be found in the sources they remain the exception rather than the rule. In terms of legal obligation, if anyone was bound to help, it was, in fact, the subjects of a lord. Indeed, both French and English customs anticipated that the subjects would help their lord in the event of his capture and ransom. However, at the end of the Middle Ages, it would seem that these customary aids were more or less obsolete.<sup>8</sup>

Did any 'moral obligation' fill this legal vacuum? Contemporary writers remain completely silent on this matter and, in fact, what the petitions to the princes and their ensuing

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<sup>4</sup> J. Sumption, *The Hundred Years War, i. Trial by Battle*, London, 1990, p. 199; as cited in Contamine, 'The Growth of State Control', p. 176.

<sup>5</sup> Contamine, 'The Growth of State Control', p. 176.

<sup>6</sup> TNA, E 101/48/3/2 (1339, February 26).

<sup>7</sup> *John of Gaunt's Register, 1371-1375*, S. Armitage-Smith (ed.), 2 vol., London, 1911, i. 293-4; no. 783 (1370, October 18). Grassin was captured in Picardy during the chevauchée of 1373 and put to ransom at 120 francs. He revealed enough of the duke's plan of campaign to earn a full remission of his ransom from Charles V. *R.D.P.*, iv. 319-22 no. 566 (1373, November 20). See also about this case S. Walker, *The Lancastrian affinity, 1361-1399*, Oxford, 1990, pp. 73-4.

<sup>8</sup> I came across a single case concerning forced contribution to the ransom of a lord in France. In February 1416, the inhabitants of Bloc and du Viviers went to appeal in a case opposing them to the knight Jean, lord of Chauvigny, Bloc and du Viviers (AN, X1a 4791, fol. 189rvo). The latter claimed that he had been captured by the English at the battle of Agincourt a few months before and put to heavy ransom. Invoking his right to the 'aide aux quatre cas', he imposed a *taille* of £43 (260l.) on his subjects. The inhabitants retorted that they were poor and their land was sterile. Also, they claimed that they were free of the *taille es quatre cas* and if they had given financial contributions in the past, it was either by courtesy or by force. Finally, they also contested Chauvigny's claim that he had been captured at Agincourt, but this is rather secondary for our purpose. This case shows that this customary aid was rather obsolete in the beginning of the fifteenth century. Interestingly, according to Henneman, 'we should not look to the traditional feudal aids in finding a legal basis for the king's ransom, but rather to Romano-canonical principles which authorized taxation for the common profit in time of emergency.' J. B. Henneman, 'The French Ransom Aids and Two Legal Traditions', *Studia Gratiana post octava decreti saecularia*, 15 (1972): *Essays on Medieval Law and the Emergence of the European State in Honor of Gaines Post*, Rome, 1972, 615-29, at pp. 616-7. For information, Monique Bonnet has noticed a single case in the arrests of the Parlement of Paris in exile at Poitiers. It is a case of tax imposed for the wedding of the daughter. See AN, X1a 9190, fol. 85vo.

grants suggest is that the authorities were not bound by any form of obligation. On the contrary, their contribution was rather perceived as a matter of grace. Quite significantly, the record of service of the prisoner played a prominent part in grants and petitions. As a general rule, applicants emphasised their good and loyal services to the crown as the basic line of their justification. The letters of remission show how detailed the petitioner's account of his military activity could be, mentioning every participation in an important battle or siege and the name of the captains under whom they had served, as a mark of respectability.<sup>9</sup> Fouquet Courtairel's record seems to have very much impressed the dauphin Charles who granted him letters of safeguard in 1420, in consideration of his services and *plusieurs beaux faits d'armes* during which he had been captured by the enemy.<sup>10</sup> Jean Diaucourt distinguished himself through his dedication in the eyes of Philippe the Good who praised the long and costly service he had performed since he was of age to take up arms.<sup>11</sup> In a similar vein, in 1433, the king agreed to help the earl of Huntingdon, whose ransom had seriously encumbered his finances, considering *the good and gratuitous services of war which he had rendered in France*.<sup>12</sup> What is striking to note in all these documents is that, by and large, the mention of capture and ransom always come in second place, after the record of service of the soldier.<sup>13</sup>

As a general rule, princes put forward this good record of service in their grants: as the expression goes in the Burgundian accountancy, for instance, the prince gave assistance 'in consideration for the services that he performed and performs every day and to help him pay the ransom'.<sup>14</sup> It is even made very clear in some instances that the only purpose of the grant is to re-establish the subject in his functions. In 1370, the duke of Berry gave the order to pay

<sup>9</sup> See, for example, AN, JJ 177, fol. 50rv (Tours, 1445).

<sup>10</sup> BN, PO 890, Courtairel, 121 (1420, October 26).

<sup>11</sup> ADN, B 1994, fol. 147v-148r (1446, May 20).

<sup>12</sup> *P.O.P.C.*, iv. 146 (1433, February 19). See also, *Chronique du Mont-St-Michel*, ii. 253-5, no. 298 (1457, September). Petitioners emphasised that their services were burdensome. AN, JJ 102, fol. 125r no. 298 (1373, July 10). *Documents inédits pour servir à l'histoire du Maine au XIVe siècle*, B. de Broussillon (ed.), Le Mans, 1905, no. 186 (1371 August) ; *R.D.P.*, iv, no. 499. Along the same lines, petitioners' claims that they had not been paid for their services were rather common. TNA, SC 8/285/14229 (1423); *PROME*, x. 172-3 (1423, October); *Ibid.*, x. 383 (1429, September); TNA, SC8/111/5527 (1428); *Ibid.*, iv. 202 (1434, February 15); TNA, E 404/56/164 (1440, February 4); TNA, SC 8/285/14229; TNA, E 404/66/178, 9: (1450, June 6) TNA, E 404/67/37 (1450, September 26).

<sup>13</sup> Very often, the petitioner did not fail to make the connection between the capture and the service to the crown and this was probably not superfluous. See for instances, AN, Coll. Lenoir, 3/370 (1423, June 26); TNA, SC8/111/5527 (1428); BN, Ms Fr 25768/420 (1429, December 29); *PROME*, x. 383 (1429, September); *Actes*, ii. 201-3, no. 212 (1432, September 5) ; TNA, PSO 1/5/298 (1438, June 6); TNA, E 404/54/318 (1438, July 10); BN, PO 1292, Gaucourt, nos 46, 47, 49-52, 54-56 (1442); ADN, B 1982, fol. 172vo (1444, April 24); ADN, B 1988, fol. 172vo (1445, May 18); ADN, B 1988, fol. 184vo (1446, 20 March, n.st.); BL, Add Mss 11509, fol. 18rv (1449, March 6); TNA, SC 8/40/1954 (?1453); TNA, C1/1494/14-18 (1414-1558).

<sup>14</sup> ADN, B 1988, fol. 172vo (1445, May 18).

£7 (44 l.t.) to Guillaume Vigotat, master of his household, who had bought a horse (*roncin bay*) to be delivered to Jean de Vault le Comte who had been a prisoner of the English at Limoges.<sup>15</sup> In 1432, the duke of Burgundy gave 100 francs to Etienne le Clerc who had been captured the year before ‘so that he can re-establish himself, ride and equip in order to serve more honourably my said lady the duchess’.<sup>16</sup> As a final example, in 1450, Hugh Maddok, captured three times during his long service in France, was granted £40 *wherwith he may hors him, harneysse him and arraye hym the better after his degree to contynue and attende upon us*.<sup>17</sup> Even when the desire to see the subject back at his function is not as obvious as in these last three examples, it was natural that the sovereign, following any given financial assistance, raised his expectations about the future service of the petitioner.<sup>18</sup>

Despite the significance of the good record of service in those grants, the prince’s motivation was not always purely pragmatic. Compassion towards a subject in trouble also occurred. In the letters of remission, captures and ransoms are often considered as a misfortune which inspired the sympathy of the king who decided to forgive the supplicant for a crime which has nothing to do with those capture and ransom.<sup>19</sup> Occasionally, some grants, like that of Henry VI to the wife of John Knyvett, in 1438, clearly put forward this element of compassion.<sup>20</sup> The English king received Knyvett as his true liege *in consideracion that hir said husband was take in oure service by misfortune of werre, levyng with his said wif 10 children and litel good for their sustenance and the moost part of theym as we ben enfourmed so tendre of age that they may not help theym self, also how hevy it is to hym soo long to lye in the hand of oure ennemis, and also how grevous it shal be to hym to chevysshe hys raunson*. However, the underlying motivation behind these grants – was it either compassion or pragmatism? – should not be something to which we devote too much attention, as, in most cases, it will most probably remain unfathomable. More importantly, the careful justification of the prince and the petitioners, who both gave prominent place to the

<sup>15</sup> AN, KK 251, fol. 28ro (1370, September 28).

<sup>16</sup> M. Sommé, *Isabelle de Portugal, duchesse de Bourgogne. Une femme au pouvoir au XVe siècle*, Paris, 1998, p. 351.

<sup>17</sup> TNA, E 404/66/217 (1450, August 28).

<sup>18</sup> See, for instance, TNA, E 404/56/154 (1439, December 12). See other examples in BL, Add Ch 3588 (1425, November 26); *PROME*, x. 383 (1429, September); BN, PO 187, Barbazan, 39 (1430, July 21); TNA, E 404/52/411 (1436, June 30); *Issues of the Exchequer*, i. 434 (1437-8, December 7).

<sup>19</sup> *Les Pays de la Loire moyenne dans le Trésor des chartes : Berry, Blésois, Chartrain, Orléanais, Touraine, 1350-1502*, Bernard Chevalier (ed.), Paris, 1993, p. 17, no. 144 (1354, November 23); *Documents inédits pour servir à l’histoire du Maine*, no. 186 (1371, August), no. 198 (1373, February); AN, JJ 173, no. 518 (1426, May); AN, JJ 177, fol. 41rv (1445); *Chronique du Mont-St-Michel*, ii. 200-2, no. 259 (1447, January), ii. 253-5, no. 298 (1457, September).

<sup>20</sup> TNA, PSO 1/5/298 (1438, June 6).

record of service, reveals that these grants were not given out automatically - indeed, they needed to be earned.<sup>21</sup>

By and large, the crown was the last resort for any prisoner who needed financial assistance. In a letter of remission issued in 1445, Charles VII acknowledged the fact that, in spite of all the difficulties that Huguet Blondeau encountered during his long and loyal service, which included several captures and 'great and excessive ransoms', the soldier had always coped 'without having received any support from us'.<sup>22</sup> Examples of soldiers, like Blondeau, who had been captured and ransomed several times before appealing to the crown, are numerous.<sup>23</sup> The subject-prisoner was expected to manage without the crown's assistance. It was only because *he nor all his frendes be not of power to satesfie and acquite* his ransom that John Clyfton ultimately decided to ask the crown for assistance after his capture at Formigny in 1450.<sup>24</sup> And even when friends were not able to help, the prisoner did not necessarily turn to the crown. As he had *no relief ne socoure of any persone*, John Wrixwoth, an English esquire, like Huet de Chavanay and so many others, was compelled to sell the most part of his lands.<sup>25</sup> More dramatically, we have seen how Thomas Cooley, who could neither afford his ransom nor organise any exchange of prisoners, was ultimately reduced to betraying a man to regain his freedom.<sup>26</sup> Many other prisoners simply changed allegiances or were fortunate enough to manage to escape.<sup>27</sup>

## II. From petition to grant

Jacques Paviot argued that most grants issued by the dukes of Burgundy in the framework of the fourteenth and fifteenth century crusades had been solicited.<sup>28</sup> In fact, I take very little risk in arguing that most grants toward the payment of ransoms in any context or country (France or England) were the result of a successful request to the authorities. As Tuck puts it,

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<sup>21</sup> As Elizabeth Gonzales put it concerning the grants of the duke of Orléans, 'le don gratuit n'existe pas'; E. Gonzales, *Un Prince en son Hôtel. Les serviteurs des ducs d'Orléans au XVe siècle*, Paris, 2004, p. 254.

<sup>22</sup> AN, JJ 177, fol. 41rv (1445, September).

<sup>23</sup> See, for example, *R.D.P.*, iv. 80-3, no. 503 (1370, November), p. 106 n. 1 (?1371), p. 42, n. 1 (1372, September 10); AN, JJ 173, no. 518 (1426, May); *English suits*, p. 118 (1426, June 6); TNA, E 404/62/217; 65/182; also quoted in *English suits*, p. 292 (1446, July 18); TNA, E 404/52/232 (1446, August 21); ADN, B 1991, fol. 174ro-vo (1446, September 10); *Chronique du Mont-St-Michel*, ii. 200-2, no. 259 (1447, January), ii. 253-5, no. 298 (1457, September); ADN, B 1991, fol. 184 rv (1447, April 28).

<sup>24</sup> TNA, C 81/1546/78; Jones, 'Ransom brokerage', p. 223; see also TNA, E 404/56/164 (1440, February 4).

<sup>25</sup> TNA, E 404/56/270 (1440, May 20).

<sup>26</sup> See above, pp. 119-20.

<sup>27</sup> See above, pp. 56, 96-9 and below, p. 151.

<sup>28</sup> J. Paviot, 'La croisade bourguignonne aux XIVe et XVe siècles : un idéal chevaleresque ?', *Francia*, 33 (2006), 31-68, at p. 59.

‘the importance of the petition in medieval government can hardly be over-emphasised’.<sup>29</sup> However, the process of petitioning still remains very obscure.<sup>30</sup> This is probably largely due to the sources. Indeed, assistance to French or Burgundian subjects is essentially known through grants, which are not usually very detailed. The numerous surviving petitions to the English kings were usually not very wordy either insofar as the process of ransoming was concerned. Nevertheless, as we will see, these documents do occasionally provide some valuable insights. Did every grant originate in a formal petition addressed to the king or prince? Or was their distribution conducted on a more informal basis? Did prisoners (or intermediaries on their behalf) bring their case to the king or prince in person? Or was this done via the role of a patron? Finally, how important was patronage in securing grants or concessions? On the basis of a very patchy corpus of documents, I will try to answer these questions, structuring them around the process of petitioning, from the petition to the grant.

### *Introducing a request*

For Tuck, patronage is the key element in the petitioning process: ‘A good lord’, he argues, ‘was expected to obtain favours at courts for his clients and dependants, to sponsor petitions, and to provide connections with the institutional order.’<sup>31</sup> To what extent did assistance to prisoners fit into this system? We occasionally see patronage at work in the sources. In his petition to the king in 1376, for example, Raymond de Montaut, lord of Mussidan, asked Edward III to reward his esquire, Guillaume de Motes, with the bailiwick of Sainte-Foy for life, in consideration of his losses and capture.<sup>32</sup> In 1449, Henry VI ordered the viscount of Caen to deliver 50 golden crowns to the knight Pierre Martin.<sup>33</sup> This grant had been made on the advice of Edmond, duke of Somerset, who then held the highest offices of general lieutenant and governor of France and Normandy. More than showing patronage at work, this last example even suggests that the introduction of the petition worked in a rather informal way, by word of mouth.

Aside from these examples, there is no more clear evidence of patronage. On the contrary, the sources often show the prisoner, or his near entourage, working with the authorities

<sup>29</sup> J. A. Tuck, ‘Richard II’s System of Patronage’, in F. R. H. Du Boulay and C. Barron (ed.), *The Reign of Richard II. Essay in honour of May McKisack*, London, 1971, 1-20, at p. 4.

<sup>30</sup> About parliamentary petitions, see the very recent monograph of G. Dodd, *Justice and Grace. Private Petitioning and the English Parliament in the Late Middle Ages*, Oxford, 2007.

<sup>31</sup> Tuck, ‘Richard II’s System of Patronage’, p. 15.

<sup>32</sup> TNA, SC 8/262/13069 (?1376).

<sup>33</sup> BN, PO 1873, Martin en Normandie, 20 (1449, March 28).

without the intervention of any patron. Visits to the king or prince were a pivotal factor in the following cases. Firstly, Philippe the Good granted 32 francs to Albre Leyton, a Portuguese esquire, in aid for the payment of his ransom, when the latter visited him in Ghent, in 1446.<sup>34</sup> Secondly, we learn in a petition of a certain William<sup>35</sup> that it was at the occasion of his homage to Henry VI, in Antwerp, that he obtained from him the promise of a compensation for his losses incurred.<sup>36</sup> Thirdly, Yvon de Trémagon stated in a quittance, in October 1374, that 300 golden francs were granted to him by Charles V ‘as much for helping pay our ransom as for the news that we had brought to my lord the constable concerning the seizure of the castle of Gençay and Chivray.’<sup>37</sup> It is probably not going too far to suggest that Trémagon took the opportunity of his meeting with Charles V, of which the official purpose was to give news from the front, to mention his troubles in raising the money for his ransom. It is indeed well known that kings and princes displayed great generosity toward the bearers of good news.

Such explicit mentions of the actual presence of the petitioner before the authorities are however not common in grants and petitions, but they could easily be guessed in many different instances. On 24 June 1371, the duke of Berry issued an order to his treasurer to pay £64 (400 l.t.) to Horable in aid for the ransom of her husband, the French knight Renaud de Montléon, a chamberlain of the duke.<sup>38</sup> Four days later, Berry paid an extra £1 6s 8d (8 l.t.) to cover the expenses of the woman who had been staying at one of his hostels while she was waiting for the said £64 to be delivered to her.<sup>39</sup> There is little doubt here that Horable had come before the duke to expose the misfortunes of her husband and was paid on the spot. On 30 May 1439, at Windsor, Henry VI issued an order to his treasurers to pay a generous 500 golden crowns in aid for the ransom of Thomassin Duquesne.<sup>40</sup> In all likelihood, as Bossuat observes, this favour resulted from the visit of the French soldier to the king of England around that period.<sup>41</sup>

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<sup>34</sup> ADN, B 1988, fol. 195vo (1446, January).

<sup>35</sup> Surname illegible.

<sup>36</sup> TNA, SC 8/141/7011A and B (1455).

<sup>37</sup> BN, PO 2806, Trémagon, no. 6; also published in *Mandements*, p. 521, no. 1004 (1374, October 21).

<sup>38</sup> AN, KK 251, fol. 69vo (1371, June 24). This account has been partly published in ‘Les comptes de l’hôtel des ducs de Berry, 1370-1413’, Cte Toulgoët-Tréanna (ed.), *Mémoires de la Société des Antiquaires du Centre*, 17 (1889-90), 65-175. I have consulted the original.

<sup>39</sup> AN, KK 251, fol. 86vo (1371, June 29).

<sup>40</sup> BN, Ms Fr 26065, no. 3797.

<sup>41</sup> Bossuat, *Perrinet*, p. 287 n. 4.



Beyond these pieces of evidence, some practices also point towards the same physical presence of the petitioner in the entourage of the authorities. Around the end of the 1370s, for example, the brothers Châteauneuf and Raymond de Misanz had been captured by the count of Biche and taken to *Alemaigne*.<sup>42</sup> They agreed to pay £250 for their ransom within six weeks after Christmas 1378. Pledged by the brothers, Raymond de Misanz was released on parole in order to raise the money for their ransom. Misanz petitioned Richard II who granted him half the total sum which, it is specified, was paid into the hands of the esquire. This practice – one prisoner pledging the temporary release of another prisoner whose mission it was to raise the ransom of both (or more) of them – was rather common. Significantly, in those cases, it was only once the prisoner was able to come before the prince that the petition was introduced.<sup>43</sup> Prisoners sent letters to relatives, friends or connections, but the petition to the authorities was not enclosed in a letter, as we can see in the case of John Bourchier.<sup>44</sup> We have evidence of the correspondence between the English knight and his wife during his five or six year long captivity in Brittany, meaning that he did have the opportunity to send a letter to the king from his prison, but he did not. This mission was entrusted to Maude who petitioned Edward III toward 1375. There is little doubt in such circumstances that she came to the king in person.<sup>45</sup> The wife of Florimont de Lesparre did not go to Richard II, but she sent Raymon Wenyn, an esquire of the lord of Lesparre, in 1378.<sup>46</sup> It is not unthinkable that Wenyn had also been captured by the Spanish in 1377 at the same time as Lesparre and was subsequently released on parole to find a way to regain his freedom and that of his master.<sup>47</sup> Finally, in 1375, Guillaume de Montendre petitioned Edward III on behalf of his master Jean de Grailly, who was detained in Paris, to make arrangements for the holding of prisoners that would save Grailly's life.<sup>48</sup>

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<sup>42</sup> TNA, E 404/10 (1378, December 27).

<sup>43</sup> See, for instances, TNA C 1/45/37 (1433-1443); TNA E 404/67/195 (1451, July 4).

<sup>44</sup> Jones, 'Fortunes et malheurs de guerre', pp. 196-7, 206-7. I found a single explicit reference to a petition sent by mail. It was written by John More from his prison in Saint-Brieuc, in 1370, and addressed to his captain John del Strother. The poor supplicant begged for help as his life was in danger. S. Walker, 'Profit and Loss in the Hundred Years War: the Sub-contracts of Sir John Strother, 1374', *H.R.*, 58 (1985), 100-6, at p. 105 and n. 39.

<sup>45</sup> For other examples of wives petitioning the king on behalf of their husband, see TNA, SC 8/21/1018 (c. 1378?); *PROME*, vi. 140 (1379, April, 24).

<sup>46</sup> ... *envoïé de part la dame de Lesparre et de ses amys...* TNA, SC 8/151/7547 (c. 1378).

<sup>47</sup> On the capture of Florimont de Lesparre, see Froissart, *Oeuvres*, ix. 4, 6.

<sup>48</sup> Montendre had heard of the harsh prison of the captal, as he specified in his petition. TNA, SC 8/258/12863. (c. 1375). The captal appeared as the master of Guilhem de Montendre in another petition to the king, at about the same time. TNA, SC 8/300/14973. As another example, Elliot Irvoys petitioned the king on behalf of his brother who had been taken prisoner for a second time. TNA, SC 8/168/8379 (c. 1350-77).

Sometimes, the prisoner or his connections chose to submit their petitions through parliament.<sup>49</sup> This was a way for them to find extra support from the commons or the lords.<sup>50</sup> Even a great lord, like John Holland, earl of Huntingdon, found it useful to address his request to the commons. Indeed, his first petition which concerned arrangements for his release from captivity was read and heard by the lords, at the request of the commons, in October 1423.<sup>51</sup> Less significant individuals probably needed connections in parliament to win the valuable support of the commons.<sup>52</sup> Such links between MPs and petitioners are not easily identifiable. In two instances, it has, however, been possible to shed light on it. Firstly, at the time of the ‘Good Parliament’, in 1376, a rather unique petition concerning several English knights and esquires who had been captured by the enemy ‘and put to such great and outrageous’ ransoms was endorsed by the commons.<sup>53</sup> Why the Commons would be interested in this petition is not necessarily obvious, although it is true that the knights and esquires who were in trouble did belong to the same class as the Commons. More significantly, surely, is the fact Sir Thomas Fogg, who was mentioned among these unfortunates was present in the Good Parliament. It was, in fact, his first appointment as an MP.<sup>54</sup> Secondly, if Thomas Rempston’s petition was endorsed by the commons in October 1435, it was most probably thanks to his near friend and neighbour, John Bowes who was speaker for the commons in that particular session of the parliament.<sup>55</sup> We can hardly talk about patronage in these two cases – it was more a case of connections (i.e. friends who help each other).

Finally, regarding the physical presence of the prisoner or his connections (either inside or outside parliamentary sessions) it should be noted that they were not necessarily heard by the king himself. In fact, it is likely that many petitioners were received by officers of the crown

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<sup>49</sup> I counted between 20 and 30 petitions which took the parliamentary route. This estimation is based on Gwilym Dodd’s assumption that the first 155 files of the series SC 8 (Ancient petitions) contain parliamentary material. Dodd, *Justice and Grace*, p. 13. Outside these 155 files, a single petition specifically mentions that it was addressed to the lords in parliament. TNA, SC 8/336/15877 (1442-53). ‘It is possible however that some of the petitions which were answered during a parliament may have been submitted between parliaments, while in other instances it is possible that petitions were both submitted and answered outside meetings of parliament.’ C. Given-Wilson, ‘General Introduction’, in *PROME*, i. 8.

<sup>50</sup> M. Ormrod, *Politic life in Medieval England, 1300-1450*, Houndmills and London, 1995, pp. 30-8; Dodd, *Justice and Grace*, pp. 170-1.

<sup>51</sup> TNA, SC 8/85/4229 (1423); *PROME*, x. 172-3 (1423, October). In April 1425, three petitions of Huntingdon with the same purpose were heard by the king, who granted his request in all points. *PROME*, x. 251-3. In 1430, Huntingdon chose again to address his new petition to the commons, but, this time, it was not recorded in the Parliamentary Rolls. TNA, SC 8/25/1244 (1430).

<sup>52</sup> Dodd, *Justice and Grace*, p. 155.

<sup>53</sup> *PROME*, v. 344-5 (1376, April).

<sup>54</sup> *The history of parliament. The House of Commons, 1386-1421*, S. Roskell, L. Clark & C. Radcliffe (ed.), 4 vol., Stroud, 1992, iii. 95-7.

<sup>55</sup> TNA, SC 8/137/6844 (1435); A. Curry, ‘Henry VI: Parliament of October 1435, Introduction’, in *PROME*, xi. 160; 179-80 (1435, October).

who were in the entourage of the monarch. Besides the fact that the king was sometimes content to pass a petition on to the treasurer,<sup>56</sup> some petitions were directly addressed to the chancellor. These petitions were less concerned with the payment of ransoms than with minor administrative matters. For example, some petitioners asked for letters of protection,<sup>57</sup> others for safe-conducts<sup>58</sup> and still others for licence to solicit alms.<sup>59</sup>

### *In the hands of the authorities*

It is interesting to wonder who benefited from the prince's generosity and who did not. Crucial information is missing here, for we do not know anything about unsuccessful petitioners. For this reason, it must be sufficient to raise a few questions and make some observations. Did the prince take the testimony of the petitioner at face value? If some facts concerning the most important prisoners were surely notorious, the story of the anonymous subjects (that is, of most subjects), would probably need some investigation if it was not supported by strong evidence. The question is: to what extent would the authorities bother carrying out such investigations?

Occasionally, it is clear that a petition led to an enquiry. In 1327, Bernard de Semains, a Gascon knight, stated that he had long served both the king and his father, and had recently been captured and ransomed by the enemy.<sup>60</sup> He was, as a result, bankrupt. The knight acknowledged the receipt of £80 from Olivier Ingham in aid of his ransom, but he asked for more compensation so that he could maintain his estates. In the endorsement of his petition, we read that the king would shortly send a suitable seneschal to Gascony, who would find out about, among other things, the losses and damages given and received. He would then make decisions on the basis of this enquiry. As another example, Philippe VI ordered 114 l.p. to be paid to the French knight, Guillaume Vi, towards the payment of his ransom in 1348.<sup>61</sup> By virtue of an oath given to his creditor, Vi could not enter any of his houses until he had paid his debt, *si comme nous nous tenons pour enformez* ('as we have been informed'), the king specified. To the request of Montaut who asked that the king provide assistance to his esquire Guillaume de Motes, in the 1370s, Edward replied that he first wished to be informed about

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<sup>56</sup> Tuck, 'Richard II's System of Patronage', pp. 6-7.

<sup>57</sup> TNA, SC 8/304/15177 (1443-56).

<sup>58</sup> TNA, SC 8/302/15064 (1431); 305/15219 (?1350-1400).

<sup>59</sup> TNA, SC 8/302/15100 (1393-6); SC 8/304/15190 (1432-43), 332/15731 (1430-50), 15741 (1430-50), 15762 (1415-30), 15763 (1405-30); 332/15765.

<sup>60</sup> TNA, SC8/282/14079 (1327).

<sup>61</sup> BL, Add Ch 4152 (1348, December 14).

the case of this esquire and would then take advice and make a decision.<sup>62</sup> Perhaps was it to satisfy a similar request for information that, in August 1427, Jean Cachalot (John Cachalse?), sergeant of the bridge of Saint-Pierre in the viscounty of Rouen, provided himself with a certification that he had been taken prisoner by the enemy from 22 October 1426 until 1 June 1427 (or was it just to justify his absence from his office during this period?).<sup>63</sup> In these few examples, we can see that the authorities did not have blind faith in the petitioners or, at the very least, that they felt the need to check their story.

However, there is reason to believe that most cases did not lead to any extensive enquiry.<sup>64</sup> Some evidence even indicates that the petitioner's claim had not been verified at all. The four grants to James Polet, Thomas Dring, Jean Rousselet and Hugh Madok suggest that, even if some doubt was raised, the authorities had contented themselves with the word of the claimants; it was 'as they said'.<sup>65</sup> Subordinates in the chain of command may sometimes have given less credit to the claims of the petitioner than the authorities. In 1350, Philippe, duke of Orléans had granted £32 (200 l.t.) to Guillaume de Tournebu in aid of the ransom of his son who had been captured by the English at Crécy.<sup>66</sup> This sum was assigned on the receipt of the treasurer of Beaumont-le-Rogier, who refused to follow the orders of the duke of Orléans, because he was not convinced by the story of Tournebu.<sup>67</sup> Having heard of this, Orléans ordered his officer to enquire at very short notice about the capture and ransom of Tournebu.

Patronage, at this stage of the petitioning process, might have played a significant role. In March 1360, Charles V gave a letter of remission to Sauvage de Brinvilliers in consideration of his good services 'and the good report which has been made to us by our beloved and loyal knight the lord of Montmorency, counsellor of my lord and ours, and other people in our council'.<sup>68</sup> In a letter issued on 17 April 1414, the duke of Burgundy agreed to help Gilles Leclerc provided that 'before payment of the said sum, Gilles would show evidence of the

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<sup>62</sup> TNA, SC 8/262/13069

<sup>63</sup> BN, Ms Fr 26050, no. 759 (1427, August 13).

<sup>64</sup> See the difficulties encountered by the authorities in their attempt to investigate Thomas Burgh's alleged concealment of profits of war. BN, Ms Fr 4488, p. 608. A fragment of this enquiry has survived. BN, Ms Fr 26049/670 (1426). After some time, the enquiry is abandoned *pour ce que ledit capitaine demoura trop longuement a poursuivre la verifficacion de ses dictes parties non confessees*. BN, Ms Fr 4488, p. 609.

<sup>65</sup> TNA, E 404/44/306 (1428, May); TNA, E 404/62/217; (last reference) as cited in *English suits*, p. 292 (1446, July 18); TNA E 404/62/232 (1446, August 21); 66/217 (1450, August 28).

<sup>66</sup> BL, Add Ch 17628 (1350, November 18).

<sup>67</sup> ... *il ne vous appert pas deuement de la dicte prinse et raencon d'icellui escuier*.

<sup>68</sup> TNA, JJ 90, fol. 237vo-238, no. 474 (1360, March).

said ransom'.<sup>69</sup> Leclerc provided the treasurer with a letter of Louis de Ghistelle 'which gives evidence of the ransom and capture'.<sup>70</sup> Whatever the content of the knight's letter was, what is significant here is the fact that Ghistelle's word constituted strong enough evidence of Leclerc's ransom.

### *Collecting the grants*

Collecting the grant was not necessarily the easiest part of the process. In general, financial grants were assigned on the receipts of a particular or general treasurer. The petitioner was expected to come to the relevant officer with the grant letter and would receive the money in return for this letter and his quittance (in which he certified that he had been paid). These officers of the crown sometimes raised difficulties by refusing to pay the grant.<sup>71</sup> Also, as we can see, the usual process of payment therefore required that the beneficiary was free to come to the treasurer, but this might obviously be a problem for the former. The chamberlain of the duke of Orléans, Jean Descroix, whose £16 (100 l.t.) grant was delivered to him in England, in August 1416, therefore seems to have been very fortunate.<sup>72</sup> Otherwise, the prisoner would have needed somebody on his behalf to collect the money. We have seen, in one instance, that lady Horable came to the duke of Berry, pleaded the case of her husband and waited for the money to be delivered to her.<sup>73</sup> This fundamental issue of the availability of the petitioners at the outset of the process of petitioning as well as at the final stages partly explains, I believe, why so many petitions and grants would only materialise when the prisoner had already regained his freedom. (In this respect, many documents referred to the occasions when the supplicants *were* prisoners.)

## III. Forms of support

According to Jones, the king's support to English prisoners of war in the fifteenth century was of very limited use, as it was neither generous (consisting of small amounts of money) nor effective (relying on assignments on income from Norman sources which did not materialise) or it came too late (taking the form, for example, of appointment as sergeants-at-

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<sup>69</sup> ... *ledit Giles feroit deuement apparoir de la dicte raencon*. ADN, B 1897, fol. 103 rv (1414, April 17).

<sup>70</sup> ...*par laquelle appert de la raencon et prinse*.

<sup>71</sup> See for example, BL, Add Mss 11509, fol. 38 rv (1449, March 6); TNA, E 404/56/164 (1440, February).

<sup>72</sup> BL, Add Ch 3475-6 (1416, June 14, August 24).

<sup>73</sup> BL, Add Ch 11338 (1364, December 21); AN, KK 251, fol. 86vo (1371, June 29); BL, Add Ch 3583 (1426, February 25).

arms of men reduced to destitution through their war service).<sup>74</sup> This harsh appreciation of the crown's assistance, however, needs to be qualified, as I will try to demonstrate in this third part. Firstly, there were more diverse forms of support than those put forward by Jones. Secondly, what is more important, however insignificant it might seem, the assistance of the prince often proved sufficient to meet the demands of the petitioner, as we will see. In this last section, I analyse the main forms of princely support, which are presented in four different categories according to the nature of the grant.<sup>75</sup>

### *Justice, protection and grace*

Three attributes of sovereign power – namely, justice, protection and grace – will be considered in this first group. Capture and imprisonment inevitably kept the captive away from his own business. As a result, some English subjects in the hands of the enemy obtained from their king letters of protection during their absence, so that their property would be legally secure.<sup>76</sup> For example, John Gournay was captured by the enemy in 1370 or 1371 and kept in captivity in France for at least four years, during which his letter of protection was renewed every year (apart from in 1372).<sup>77</sup> Similarly, in November 1357, the duke of Normandy, the future Charles V, granted letters to the French knight Tristan Maignellers which urged that all debt proceedings against Maignellers should be suspended, in consideration of his having been taken prisoner several times by the English and thereby being rendered unable to attend to his affairs.<sup>78</sup> Anticipating any forthcoming trouble, Jeanne de Thibouville, wife of Jean de Tilly, a prisoner of Agincourt kept in captivity in England, obtained from Charles VI the suspension for a year of any legal duty attached to her husband's estates.<sup>79</sup>

When the soldier had not sought protection beforehand, his return from captivity could hold some unfortunate surprises. Gauthier, baron de la Haye du Puis, had been granted the estates of la Roche Tesson by Henry V.<sup>80</sup> He was later on captured by the French and

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<sup>74</sup> Jones, 'Ransom brokerage', pp. 227-8.

<sup>75</sup> I left aside the support through the exchanges of prisoners which have been treated in Chapter 3. See above, pp. 57-8.

<sup>76</sup> See, for instance, TNA, C 76/54, m. 5 (1371, July 15); C 76/56, m. 22 (1373, May 23); C 76/56, m. 7 (1373, November 7); C 76/58, m. ? (1375, May 3). William Clynton, a prisoner in France, received a letter of attorney on 22 November 1374. TNA, C 76/57, m. 7.

<sup>77</sup> TNA, C 76/54, m. 5 (1371, July 15); C 76/56, m. 8 (1373, October 18); C 76/57, m. 6 (1374, November 28).

<sup>78</sup> BL, Add Ch 17 (1357, November 11).

<sup>79</sup> BN, PO 2845, de Tilly en Normandie, 27 (1416, September 25). See also, BN, PO 890, Courtairel, 121 (1420, October 6).

<sup>80</sup> BL, Add Ch 1422 (1425, June 2).

remained in prison for four years in the early 1420s. During his captivity, *plusieurs arrestz et empeschement luy ont estey faiz* and when he came out of prison, the baron found himself unable to enjoy his grant. He thus petitioned Henry VI who confirmed the grant made by his father Henry V. The next case, another story of lands, gives an insight into the intricacy of the changes of allegiance within a family. Guyot de Brestel was due to inherit the lands of his father, but he was captured and detained by the French in Compiègne for a long period of time.<sup>81</sup> Godart, his younger brother, took advantage of his captivity to take possession of the said lands. Things got worse when Godart decided to rally to the French side. Demoted to the rank of rebel, the young Brestel saw his lands confiscated by the English crown and subsequently granted to the lord of Croix, bailli of Lille, and a certain Baudeton. On his return from prison, Brestel asked the king for the return of his inheritance which had unfairly been taken from him. The petition was agreed in consideration of his good services and 'that he had been busy in prison and because of the non observance of the custom'.<sup>82</sup>

Capture and ransom, in the letters of remission, were not necessarily the main issue. Sometimes there was simply no connection at all between the ransom of the soldier involved and the crime for which they were seeking royal grace, as I have noted earlier. Jean le Paintre, Huet de Chahanay, Jean Langlois, John Sterre, Guillaume Barbey, Hugues Blondeau and Brendram de Galtrat, all received a letter of remission for brigandage or murder in consideration of their service to the crown and their capture by the enemy.<sup>83</sup> In other instances the crime was more directly linked with the remission. Drouin de Saint-Omer, Sauvage de Brinvilliers, Béraut Taillac and Jean de Saint-Denis were pardoned for having been involved in trading activities with the enemy without the king's consent.<sup>84</sup> Finally, Jean Menier, Giéffroy Savatier, Raoul Saoul, Luc Benoit, Blethin app David ap Madok, Robin Coquaigne, Thomas Cooley, Gilet de Lointren and many others were forgiven for having served the enemy, for, as they claimed, they had no other way of paying their ransom.<sup>85</sup>

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<sup>81</sup> BN, PO 501, Brestel, 2 (1424, June 3).

<sup>82</sup> See also the case of Jean Camus du Vernet who obtained the grace of Charles VII. BN, Ms Fr 5024, fol. 95 ro. There was no question of lands, finally, in the case of Jean de Brioul, sergeant of Villiers, who was unduly fined by the viscount of Saint-Silvyn during his captivity. BN, PO 1127, Ferrand, 27 (1441, January 19).

<sup>83</sup> *La Loire moyenne*, p. 17, no. 144 (1354, November 23); *Documents inédits pour servir à l'histoire du Maine*, no. 186 (1371, August), no. 198 (1373, February); *Chronique du Mont-St-Michel*, i. 128-9, no. 21 (1423, August); AN, JJ 177, fol. 41rv (1445, September); AN, JJ 177, fol. 50rv (1445); *Chronique du Mont-St-Michel*, ii. 200-2, no. 259 (1447, January).

<sup>84</sup> AN, JJ 90, fol. 237vo-238, no. 474 (1360, March); *Documents inédits pour servir à l'histoire du Maine*, no. 191; *R.D.P.*, iv. 294-6, no. 557 (1372 or 1373, May); *N.H.L.*, x, col. 1594-6, no. 629 (1377, July); AN, JJ 173, no. 38 (1424, December).

<sup>85</sup> *Documents inédits pour servir à l'histoire du Maine*, no. 199 (1373, March 7); *La Loire moyenne*, p. 59, no. 530; *Ibid.*, p. 31, no. 266; *C.P.R.*, 1381-5, p. 381 (1384, February 19). *Actes*, i. 31-3, no. 14 (1423, June), 150-3,

### *Special licences*

Princes provided prisoners with various licences authorising them to raise their ransom more effectively. The most humble of these licences were probably those to collect alms. This practice does not seem to have been as widespread in England or France as in the Iberian kingdoms at the same period;<sup>86</sup> nevertheless, we do occasionally find some references to it.<sup>87</sup> On a few occasions, we also see the English king granting special authorisation to sell lands. Overwhelmed by his great ransom, the duke of Suffolk was allowed to sell all his estates in the realm of France.<sup>88</sup> John Holland, earl of Huntingdon, was granted a licence to give to the bishop of Bath and Wells, the earl of Stafford and others, various lands, manors and lordships in Devon, Berkshire, Cheshire, North Wales and Somerset.<sup>89</sup> Even rarer, not to say unique, is the letter of Charles V, in 1357, which authorised Norman de Beauvilliers to emancipate three serfs in order to pay the ransom of his father.<sup>90</sup>

Commercial transactions in which French or English prisoners were regularly involved took place between the countries of the masters and their prisoners. Such operations required a special authorisation from the king, as three esquires from Somerset, Alexandre Clyvedon, Alan Brod and Thomas Edyngton, discovered to their cost.<sup>91</sup> The unfortunate soldiers had been captured in the company of Courtenay upon the sea by a ship of Bishop Laurence Dalmade. They were taken to Lisbon and held in the bishop's prison. For the payment of their ransom, they organised, without the king's permission, a barge loaded with wine and other goods for the bishop. The barge came to the ports of Melcombe Regis and Weymouth, but because there had been no authorisation from the king, it was arrested by the king's ministers.

There was seemingly no reason to conceal these commercial activities from the royal authority. Evidence seems to show that, as M.K. Jones remarked, the crown was frequently

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no. 63 (1424, November); ii. 149-53, no. 198 (1429, September 18), 154-7, no. 199 (1431, July 22); AN, JJ 172, no. 315 (1423, July); JJ 173, no. 517 (1426, May).

<sup>86</sup> J. Rodriguez, *Captives and their Saviours in the Medieval Crown of Aragon*, Washington, 2007, chap. 6.

<sup>87</sup> See above, p. 147, n. 59.

<sup>88</sup> BN, Ms Fr 26054/1532 (1431, December 28).

<sup>89</sup> TNA, SC8/25/1244 (1430).

<sup>90</sup> *La Loire moyenne*, p. 25, no. 208 (1357, June).

<sup>91</sup> The petition is dated 1400-1450 (TNA, SC 8/100/4990). These events are however likely be linked with the capture upon the sea of Peter Courtenay by the Spanish in 1378, near Bayonne. On these events, see *The St. Albans Chronicle. The Chronica maiora of Thomas Walsingham*, i. 1376-1394, J. Taylor, W.R. Childs and L. Watkiss (ed.), Oxford, 2003, p. 223. Contrary to the editors, I strongly believe that Walsingham was right about the identity of Pierre (and not Hugh) Courtenay. See the grant to Pierre Courtenay enrolled in *C.P.R., 1377-81*, p. 392.



willing to assist trading enterprises.<sup>92</sup> (One should not forget, however, that the authorities might also have refused to grant many such licences to prisoners, but we only know about successful ones.) A wide range of goods was traded for the payment of ransoms. In July 1432, John, lord Talbot, received a licence to export wherever he wanted, and free of custom, the salt which John, duke of Brittany, the king's uncle, had given to relieve him from the unbearable charge of his ransom.<sup>93</sup> Thomas Wilby was allowed to buy a hundred thousand tiles called *sclat*, and to take them to the abbey of Mont-St-Michel, in Normandy, in aid of the ransom of William Jacob, of Southampton.<sup>94</sup> In 1437, Arbalster received a wide-ranging licence to trade between English and French-held areas of the Seine estuary in order to pay his excessive ransom, and received further licences to ship commodities such as wool and tin from England to Normandy.<sup>95</sup> In 1446, John Newport, esquire, having recently been taken prisoner by the king's enemies in the town of Dieppe, was granted a license to ship 40 pockets of *pille* wool and lamb wool, and 2,000 hides called *shorlyngs and moreyns*, in whichever port he wanted.<sup>96</sup> Thomas Longe and Thomas Spore had also been captured at Dieppe.<sup>97</sup> In October 1449, the king granted them a license to ship woollen cloths to the value of £50, bought by them in England, to any port of the realm.

These licenses sometimes raised issues as they interfered with well-established trading routes. In particular, the commercial activities of the Staple of Calais were well protected by the English authorities. In reply to a petition of the merchants of the Staple of Calais in the Parliament of 1423, it was decreed to fight the shortage of bullion that *the money to be sent [overseas] for the finance of the... prisoners, or taken by the said soldiers to regions overseas shall not be without the king's special licence*.<sup>98</sup> In 1407, Edmond White was authorised to charge such a vessel as set out in his petition, with any merchandise except armour, armaments, food and merchandise pertaining to the Staple.<sup>99</sup> In consideration of his great ransom and to avoid him going back to prison in France, Richard Froggenhale, a knight, was granted a subsidy on as much wool as would amount to the sums promised to him, provided always that the present grant was not to be prejudicial to, or to extend to, any act for the

<sup>92</sup> Jones, 'Ransom brokerage', p. 228.

<sup>93</sup> *C.P.R. 1429-36*, p. 211 (1432, July 8).

<sup>94</sup> *Ibid.*, p. 512 (1436, May 1).

<sup>95</sup> TNA, E 404/56/275; Jones, 'Ransom brokerage', p. 228.

<sup>96</sup> TNA, E 404/62/235; *Issues of the Exchequer*, i. 454 (1446, March 7).

<sup>97</sup> *C.P.R. 1446-52*, p. 305 (1449, October 18)

<sup>98</sup> *PROME*, x. 183-4 (1423, October).

<sup>99</sup> TNA, SC 8/147/7312 (1407).

payment of twenty shillings from each sack of wool made for Calais.<sup>100</sup> The licence that Henry VI granted to William Southwell to export wool, in 1445, was highly provisional.<sup>101</sup> He was allowed to ship 12,000 pieces of woollen cloth *for asmoche as the said licence is not unlikly to be right greet hurt unto us and prejudicial to oure Estaple of Calais*. If that proved to be the case, Southwell was expected to surrender his licence and he would receive compensation in return. This is exactly what happened to Louis Britalles whose licence was cancelled and he received some money in compensation.<sup>102</sup>

There is also evidence of licences to trade which were granted by the French king, but it is scarcer.<sup>103</sup> In order to release his son who had been captured at Verneuil, Renaud de Garges, *panetier* of the French king, received a licence to ship 240 pipes of wine on the river Loire without paying any customs.<sup>104</sup> We also know about the licence granted to Pierre de Martigny, provost of the marshals of France, through the problems it raised. Martigny had been granted 240 queues of wine by Charles VII in October 1441 as a contribution to the ransom of his nephew, Guillaume Marteau.<sup>105</sup> The route of this commercial activity is very detailed in the letter of Charles VII. Martigny collected the wine in Paris and was authorised to take it to Rouen or other places in the hands of the enemy. He was exempt from paying any customs for the transport of the merchandise. On his return from English territory, he was also allowed to bring back with him any food or merchandise. However, his travel to Paris was obstructed by some officers of the crown at the bridge of Meulun and Corbeuil who levied a subsidy of 1s 3d (6 s.p.) per queue.<sup>106</sup> Martigny complained to the king who ordered his officers to let him pass freely.<sup>107</sup> The lack of sources concerning these licenses from the French king should not lead to hasty conclusions. Rules were most probably the same in France and England.<sup>108</sup>

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<sup>100</sup> TNA, SC 8/ 87/4217 (?1453).

<sup>101</sup> TNA, E 404/61/237 (1445, June 14).

<sup>102</sup> TNA, E 404/71/2/36 (1456-7).

<sup>103</sup> BN, PO 2928, Varèze, 4 (1425, June 24).

<sup>104</sup> BN, PO 1281, Garges, 3 (or 5) (1424, December 22).

<sup>105</sup> BN, PO 1870, Martigny, 3 (1443, August, 29).

<sup>106</sup> It is interesting to note in passing that the king may also grant the incomes from such *passages* to prisoners. See the case of Pierre d' Alix, the brother of Joan of Arc. AN, JJ 177, fol. 25rv (1445, May 23).

<sup>107</sup> There is evidence that he had not paid the 6 shillings on 106 queues, coming to Paris on several occasions. Ibid. no. 4.

<sup>108</sup> It is suggested in the petition of Edmund White that French and English subjects needed the authorisation of the two authorities to trade between the two countries. TNA, SC 8/147/7312. For other examples of safe conduct granted to English prisoners which allowed them to trade in France, see BN, Ms Fr 4054, fol. 166. See also the trading activities of Olivier de Coëtivy. Marchegay, 'La rançon d'Olivier de Coëtivy', pp. 5-48. For safe-conducts granted by the duke of Bedford to French prisoners who traded in French town occupied by the English, see AN, KK 324, fol. 3vo, 22vo (the whole account has not yet been systematically investigated).

## *Annuities and lands*

Princes also provided material help to prisoners. In this group, I will first consider the grants of annuities and lands. These sorts of donations seem to be gathered in two different periods of the Hundred Years War, that is, the 1370s and the 1420s-1430s.<sup>109</sup> This is no coincidence; the particular circumstances of these two stages of the war offered the opportunity to the French and English kings to make such very generous gifts (or, at least, very generous in appearance). In the 1370s, marked by the French recovery, Charles V granted annuities to be levied from English estates which had been confiscated from English soldiers or supporters.<sup>110</sup> In the 1420s and early 1430s, a successful period of the English occupation of France, Henry V and Henry VI occasionally granted lands which had been confiscated from the French rebels.<sup>111</sup> The materialisation of these grants however raised some issues.

Concerning the latter period, M.K. Jones has shown how grants from Norman estates were not always easily realised.<sup>112</sup> I want to highlight another issue, to which the case of Guyot Brestel alludes. We have seen that, as soon as Godart Brestel had been considered as a rebel, his lands were confiscated and granted to a loyal subject of the English crown.<sup>113</sup> The problem was that, after his liberation, Guyot claimed his inheritance back. The crown was thus confronted with a difficult choice between two loyal subjects – Guyot and the new owner of the lands. Most of the time, sovereigns chose to restore the rights of the original owner, which was probably the safest option. The more common issue of contrite rebels raised a similar issue. What happened if a French supporter of the English crown whose appurtenances had been confiscated and redistributed among loyal subjects eventually came back to the French allegiance? The answer to this question was very clear in Charles V's mind. The said goods or

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<sup>109</sup> It is true that my research was focused on these two periods. Nevertheless, I also collected information concerning the other stages of the war and it seems right to assume that there were more of these grants at these times.

<sup>110</sup> The amount of these annuities did not exceed £33: for example, £8.5 (40 l.p.) to Pierre, Jean and Guillaume d'Ajaon (1370); £12.5 (60 l.p.) to Jean Bouyn, esquire, captain of Miradeau (1370); £16.5 (100 l.t.) to Pierre de la Rivière (1373); £33 (200 l.) to Denis Basin (1372); the same to Guy Mauvoisin, 'huissier d'armes du roi' (1370). *R.D.P.*, iv. 80-3, no. 503 (1370, November); AN, JJ 102, fol. 125r (1373, July 10); *R.D.P.*, iv. 113, no. 514 (1372, June 9); *R.D.P.*, iv. 53, no. 394 (1370, April 12); AN, JJ 104, fol. 53, no. 107; Froissart, *Chroniques*, vii. xxvii, n.1.

<sup>111</sup> See, for instance, AN, Coll. Lenoir, 3/370 (1423, October 6); BL, Add Ch 11686 (1430, October 27); Jones, 'Ransom Brokerage', p. 227 (1440, May).

<sup>112</sup> Jones, 'Ransom Brokerage', p. 228. Similar problems occurred in the 1370s. A part of the annuity granted to Denis Basin, for example, seems to be made of goods of English partisans who were not in French hands. Unfortunately for Basin, the other part of his annuity raised another serious problem: his gift of the land of Belhomme (Poitou) had already been granted to several other subjects of Charles V. There is serious doubt, therefore, that even a small part of this annuity can have materialised. *R.D.P.*, iv. 113, no. 514 (1372, June 9).

<sup>113</sup> See above, p. 151.

lands had to be restored to the contrite lord. A clause in the letters of grant to the Aajon brothers anticipated this eventuality: if the rebels submitted to the king, the Ajaons would lose their grant without any compensation in return.<sup>114</sup> This was harsh, but not surprising if we consider that Charles V's aim was to conquer lands lastingly. Indeed, despoiling Gascon lords would certainly have contributed in generating much trouble for a long time and might even have encouraged support for the English crown. On no account would aid to prisoners compromise the success of Charles V's enterprise.<sup>115</sup>

### *Money*

Most of the time, we do not know the exact amount of the ransom of a prisoner who received money from the king. The proportion of this ransom to which kings and princes contributed is therefore hardly identifiable. We know that the government in the first years of Richard II decided that it would pay half the money that Raymond de Milsanz demanded (£125 out of £250).<sup>116</sup> However, in general, there was apparently no principle determining the level of princely assistance to ransoms. This absence of rules does not, however, exclude effective measures. When assistance was given to a group of soldiers, a scale of values would perhaps be set up, as was the case with the group donation made by the duke of Anjou in March 1370.<sup>117</sup> Eight French soldiers captured at Montpont received, all in all, 440 francs: three of them got £13.2 (80 francs) each and the five remaining had £6.64 (40 francs) each. This observation could probably be explained in accordance with the scales of ransom described in Chapter five. At the lower level of the military hierarchy, the financial contribution was probably fixed according to their status and possibly to their functions in the army.

Grants in some instances were undoubtedly rather small in comparison with the standards defined in chapter five. In 1370, several accounts of Saint-Sauveur-le-Vicomte rendered to the Exchequer by the captain of the town, Alan Buxhill, shows that the government had paid £503.6 (3,034 francs) in aid for the ransom of prisoners.<sup>118</sup> This would be a significant

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<sup>114</sup> *R.D.P.*, iv. 80-3, no. 503 (1370, November).

<sup>115</sup> Assignments on tax revenues should also be put in this category of 'lands and annuities'. See, for instance, AN, JJ 177, fol. 25rv (1445, May, 23).

<sup>116</sup> TNA, E 404/10 (1378, December 27).

<sup>117</sup> BN, Ms Fr 20586, no. 33 (1370, March 21).

<sup>118</sup> K. Fowler has counted 220 arrivals (6 knights, 127 men-at-arms and 87 archers) in February and March 1370, but the question is how many of them were prisoners released on parole? It is certain that this is the case for the three knights, Sir William Nevill, Sir John Clanvow and Edmund Daumarle who arrived in Saint-Sauveur on 25 March, for there is evidence that they were captured a few months earlier at the battle of Ponvallain (1370,

contribution if it were not for the ransoms of 62 prisoners, including William Nevill, Sir John Clanvow and Edmund Daumarle. Considering that this amount of money was equally divided between these 62 prisoners (which was surely not the case though – the money must have been divided according to the rank of the soldier), each prisoner would have enjoyed slightly less than £9. There is also serious doubt that the £20 that Edward III ordered to be delivered to nine prisoners detained in Saint-Omer on 31 October 1369, his gift in aid of their ransom, paid one single ransom.<sup>119</sup> The series of accounts of the household of the duke of Berry for the years 1370-74 also reveals very modest contributions.<sup>120</sup> First of all, it must be noted that the number of gifts is relatively small: only twenty donations within the four years. On average, Jean de Berry gave £16. Three soldiers benefited from much larger grants than the others. One of them, Renaud de Montléon, received £66.4 (400lt), but his ransom was almost ten times higher, amounting to £600 (3,650lt).<sup>121</sup>

A couple of examples relating to Charles V: in 1365, the French monarch granted a very small 10 francs to a French esquire called Jean Duerques, who had been taken prisoner in Brittany.<sup>122</sup> In 1371, he paid £16.6 (100 francs) toward the ransom of Jean de Cros, bishop of Limoges, which was insignificant if we take the ransoms of Poitiers into account.<sup>123</sup> Henry IV, in 1406, gave a mere £20 to his esquire, John Mortymer, who had been kept in captivity for more than four years and could not afford his ransom.<sup>124</sup> In the same year, Charles VI paid £83 (500 l.t.) to assist several knights and chamberlains of the king, prisoners of the English, to contribute to their ransoms.<sup>125</sup> Some surviving pieces of accountancy of the duke of Brittany in the 1410-20s reveal equally small financial contributions: £3 6s 8d (20 l.t.) to Maurice Tournemine detained in Rouen, in 1419; £13 (60 golden crowns) to Pierre du Pan, in 1425, and £10 (60 l.t.) to Guillaume Kergoët, around the same time.<sup>126</sup> In 1420, Philippe, count of Vertus, gave a modest £16.5 (100 l.t.) to the French knight Jean, lord of Fleurigny.<sup>127</sup>

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December 4). The 47 men (23 men-at-arms and 24 archers) who appear in the account under their command should probably be counted as prisoners too, as well as the other 9 men-at-arms and 3 archers who arrived at the same time. TNA, E 101/30/38, 39, 31/18 (March 1371); see also, Fowler, *Medieval Mercenaries*, p. 297 and n. 64.

<sup>119</sup> *Issue Roll of Thomas Brantingham, 1370*, ed. F. Devon, London, 1835, p. 344.

<sup>120</sup> AN, KK 251 (fol.1-46: 1 June 1370 to May 1371; fol. 47-104: 1 June 1371 to 31 May 1372; fol. 105-end: 1 June to 31 December 1373); 252 (1 January -31 December 1374).

<sup>121</sup> *R.D.P.*, iv. 354, n. 1.

<sup>122</sup> BL, Add Ch 11340 (1365, 29 February).

<sup>123</sup> Froissart, *Chroniques*, vii. cxv, n. 1 (1371, February 4).

<sup>124</sup> TNA, E 404/21/73 (1406, March 24).

<sup>125</sup> BL, Add Ch 232 (1406, March 1).

<sup>126</sup> Dom P. H. Morice, *Mémoires pour servir de preuves à l'histoire civile et ecclésiastique de Bretagne*, 3 vol., Paris, 1742-6, ii. 981, 1195.

<sup>127</sup> BL, Add Ch 3533 (1420, July 1).

In 1431, Marie, queen of France granted £11.5 (70 l.t.) to her *escuier d'honneur* Guillaume de Lizac.<sup>128</sup> In 1437, Charles VII gave £26.5 (120 golden crowns) to his esquire Jean Redolet.<sup>129</sup> The king's contribution therefore amounted to slightly more than a fifth of Redolet's ransom. In 1449, finally, Henry VI granted a very small £11 (50 golden crowns) to Pierre Martin, knight, to help him pay his ransom.<sup>130</sup>

The well-preserved Burgundian accountancy deserves particular attention, as it provides the opportunity to carry out quantitative studies. A systematic investigation of its registers would therefore be particularly revealing. Up to now, I have had to content myself with gathering 65 contributions from several accounts covering the 1370-80s and the 1420-40s.<sup>131</sup> The most common grants (14 occurrences) amounted to 100 francs or *livres tournois*. These are more or less equally shared out between knights and esquires.<sup>132</sup> The second most frequent grants were worth twice as much, £33 (200 francs), and twenty times as much, £332 (2,000 francs) (7 occurrences).<sup>133</sup> Three beneficiaries of the former grants are clearly identified; they were all knights (and this will be discussed further shortly). Thirty-eight grants, that is, 59% of the total amount of grants, were equal or inferior to £33 (200 francs or l.t.) It could thus be deduced that the majority of knights and esquires who requested the help of the dukes of Burgundy would receive a modest contribution toward their ransom. The strong recurrences of round numbers seem also to show that there might have been some standard grants.<sup>134</sup> These were not, however, systematically awarded according to the status

<sup>128</sup> BN, PO 1730, de Lizac, 8, 9 (1432, February 19, 24).

<sup>129</sup> BL, Add Ch 426 (1437, March 21).

<sup>130</sup> BN, PO 1873, Martin en Normandie, 19 (1449, March 28). It is true that the king had already granted him 40 golden crowns, nine years earlier, as he had spent all his money for his ransom and was seriously ill. Ibid., no. 18 (1440, May 21).

<sup>131</sup> I owe many references to Bertrand Schnerb who had kindly provided me with the results of his own research concerning the 1370s (and 1380s) and with photographic reproduction of several accounts in the 1440s. I also consulted BN, Coll. Bourgogne, nos. 23, 29.

<sup>132</sup> Esquires: ACO, B 1441, fol. 51vo (1373, September 24); ACO, B 1454, fol. 75rv (1377, September 21); ACO, B 1461, fol. 100ro (1383, August 15); *La France gouvernée*, p. 150, no. 382 (1418, November); ADN, B 1991, fol. 184 rvo (1447, April 28) Knights: ACO, B 1441, fol. 54ro (1373, December 9); ACO, B 1444, fol. 71vo (1375, January 3); ACO, B 1461, fol. 101 vo (1383, August 20); ACO, B 1467, fol. 48 vo (1387, February 4); ACO, B 1469, fol. 69 ro (1388, April 28); Arch. dép. Nord, B 1923, fol. 90 ro (1421, January 5). Unknown: BN, Coll. Bourgogne, no. 23, fol. 110vo ; no. 25, fol. 31; as cited in Delachenal, *Histoire de Charles V*, v. 375, n. 7 (1380, September 10); Sommé, *Isabelle de Portugal*, p. 351 (1432).

<sup>133</sup> Knights: ACO, B 1462, fol 98 vo (1385, December 31); ACO, B 11886 ; as cited in Bossuat, *Perrinet*, p. 45 n. 1 (1424, August 21); BN, Coll. Bourgogne, no. 29, fol. 23 (1427, October 13); Unknown: ADN, B 1894, fol. 200 rv (1412, March 18); ADN, B 1920, fol. 94rv (1420, April 13); *Portugal et Bourgogne au XVe siècle (1384-1482): recueil de documents extraits des archives bourguignonnes*, J. Paviot (ed.), Paris, 1995, p. 258, no. 75 (1435, December 16). Clerk: BN, Coll. Bourgogne, no. 29, fol. 108 (1422, May 24).

<sup>134</sup> Currencies varied. Grants were either in francs, crowns, l.t. or l.p.

of the petitioner, for we have seen that both knights and esquires received £16.5 (100 francs) in aid of their ransom.

Princes also proved to be very generous in other instances. Edward III took responsibility for the payment of the whole ransom of his son-in-law, John Hastings, earl of Pembroke, which amounted to nothing less than £21,580 (130,000 francs).<sup>135</sup> In 1380, Guillaume des Bordes, a chamberlain of Charles V, benefited from a very generous grant of £3,320 (20,000 l.t.) from the French king to help pay his ransom and received another £249 (1,500 francs) from the duke of Burgundy, three years later, for the same purpose.<sup>136</sup> It was apparently not the first time that Charles V came to the aid of his chamberlain.<sup>137</sup> In the worst days of the French monarchy, Charles VII managed to raise important funds, £1,666 (10,000) or/and £2,656 (16,000 l.t.) to help several barons and lords who had been captured at the battle of Verneuil in 1424.<sup>138</sup> The money was granted by the three estates of Poitou and delivered to three commissioners - the bishop of Poitiers, the viscount of Thouars and Jean de Torsay, whose mission was to share the money out among the prisoners. Among the beneficiaries were Hugues de Saint-Marc, an esquire, who gave quittance for £50 (300 l.t.) in August 1425 and Guillaume de Torsay who gave quittance for £332 (2,000 l.t.), in February 1426. In the same year, Charles VII made another effort in assisting his loyal counsellor and chamberlain, Raoul de Gaucourt, with a significant £1,000 (6,000 l.t.) to help him pay his ransom. In 1442, the king granted him another £664 (4,000 l.t.), as compensation for another capture.<sup>139</sup> A few years earlier, in 1437, Charles VII had given instructions to the president of his chamber of accounts to pay £700 (4,200 l.t.), which he had granted to Poton de Xaintrailles, chief esquire of his personal staff and master of his stable, to compensate him for his losses in being detained as prisoner.<sup>140</sup>

A pattern emerges from these cases. Not surprisingly, princes were more inclined to make significant contributions toward the ransom of their relatives, familiars and important officers. The Burgundian accountancy supports this observation. The most significant sums were granted to higher officers of the dukes or to their closer entourage. In 1425, Philippe the Good, duke of Burgundy, participated in half the ransom of Jean de Toulangeon, marshal of

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<sup>135</sup> See *Letters, Orders and Musters*, no. 633, 635, 644, 648, 660, 725, 747-9, 752, 921.

<sup>136</sup> Contamine, *Guerre, État*, pp. 567-8 (1380, December 15); ACO, B 1460, fol. 116 vo (1383, May 13).

<sup>137</sup> Froissart, *Chroniques*, vii. 212.

<sup>138</sup> BN, PO 2762, de Saint Mars, no. 5 (1425, August 16); BL, Add Ch 3594 (1426, February 25).

<sup>139</sup> BN, PO 1292, Gaucourt, 51 (1443, March 1).

<sup>140</sup> BL, Add Ch 3804 (1437, May 1).

Burgundy, which was set at £3,080 (14,000 crowns).<sup>141</sup> Following his capture at Agincourt, Jean Sans Peur granted £332 (2,000 l.t.) to Charles de Savoisy, a member of the duke's household who was also a counsellor and chamberlain of the king, in 1418. A year later, he gave £332 (2,000 l.t.) to Guillaume le Houdent, his counsellor and chamberlain, formerly *bailli* of Rouen, in part payment of his subsequent ransom of £857 (5,000 francs and 18 silver marks).<sup>142</sup> On 30 April 1421, the duke made a grant of £420 (2,000 l.p.) to Pierre, lord of La Vieville for the ransom of his son who had been captured at Agincourt (six years earlier).<sup>143</sup> Finally, in November 1431, the duke gave £166 (1,000 francs) to his esquire and chamberlain Guy de Roye in aid for his ransom.<sup>144</sup>

Some remarks need to be made here, however, concerning the smaller grants. Firstly, it must be highlighted that nothing is certain about the average ransom prices, which might have been much lower than we would expect. Secondly, it must be noted that if some grants seem particularly small, it was, in fact, merely because the request was very modest too. The £24 (114 l.p.) granted by Philippe VI to Guillaume Vi would probably only represent a small fraction of his ransom, but this was the sum he was bound to pay to Galois de la Heuse, who had lent it to him.<sup>145</sup> In 1428, James Polet received £33 from the English king. His ransom amounted to a very excessive 1,800 golden crowns but we learn in his grant that Polet had already paid £254 (1,200 crowns); £97 (440 crowns) were left to be paid, of which the king decided to contribute a third.<sup>146</sup> Adam du Pont, a poor gentleman of Colombiers in Burgundy, received £5 (30 francs) from the duke in 1444, in consideration of his services and several captures by the enemy and also 'in order to help him do some pilgrimages which he had vowed; for pity and charity, my lord gracefully gave him [the said money]'.<sup>147</sup> In all likelihood, it was for these pilgrimages that Adam du Pont requested most of the money. Many other examples could surely be added to this list of specific requests.<sup>148</sup> Last but

<sup>141</sup> B. Schnerb, « *L'honneur de la maréchaussée* ». *Maréchaux et maréchalat en Bourgogne des origines à la fin du Moyen Age*, Turnhout, 2000, pp. 71, 193.

<sup>142</sup> *La France gouvernée*, p. 282, no. 1131 (1419, June 9).

<sup>143</sup> ADN, B 1923, fol. 101rv (1421, April 30). The duke also granted 2,000 l. toward the payment of the ransom of three other individuals whose links with the duke's household would need to be identified: Thibaut de Rougemont, lord of Russey, on 24 April 1432 (BN, Coll. Bourgogne, no. 29, fol. 135); Antoine de la Marche, knight, lord of Chastelrigaut, on 29 October 1439 (Ibid., fol. 61); Guérart de Brimeu, esquire, on 20 March 1436 (ADN, B 1988, fol. 184vo, 202vo).

<sup>144</sup> BN, PO 2584, de Roye, no. 19 (1431, November 8), no. 20 (1432, June 19).

<sup>145</sup> BL, Add Ch 4152.

<sup>146</sup> TNA, 404/44/306 (1428, May 8).

<sup>147</sup> ADN, B 1982, fol. 172vo (1444, April 24).

<sup>148</sup> Charles VI's 3921 6s 8dt grant to Philippe d'Auxy in 1407 cleared the knight's debt to the king. BN, PO 150, Auxy, 9 (1407, June 30). For a similar case, see also ADN, B 1994, fol. 147v-148r. (1446, May 20). The total ransom of Sir Thomas Dring amounted to £300, of which the greatest part had already been paid. In 1446, the



certainly not least is the case of Thomas Topclif.<sup>149</sup> In 1440, the English soldier from Calais, whose ransom was particularly small, amounting to £12 6s 8d, very modestly asked the king ‘to be preferred in the payment of his wages.’ The crown owed £15 to him, but he only asked for £8, leaving the residue to the king. Moved perhaps by the humility and parsimony of the supplicant, Henry VI decided to grant him £12.

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To some extent, we could say that princes considered capture and ransom as ‘honourable misfortunes of war’ associated with service-in-arms. However, there was no royal obligation toward subjects grappling with difficulties and this probably resulted from the fact that, in theory, soldiers were paid for their services. Nevertheless, princes were not necessarily unwilling to assist them. It was surely a question of pragmatism, gratitude for past services and sometimes of charity as well. In this respect, there is no surprise at all that kings and princes would be particularly inclined to help their close entourage, friends, counsellors and main officers, more than any other individuals. However, as we have seen, subjects, even the closer ones, could not expect the assistance of the prince. This principle partly explains the wide range of supports that were provided to prisoners, some of them being particularly modest. For example, many petitioners did not ask the crown for money, however badly they needed it, but asked instead for the king’s special licence to make profits out of trade.

This was also a question of resources. The recurrent lack of money, which has been emphasised in a previous chapter, must have heavily contributed to the shaping of princely support. Let us consider the case of Charles VII. The French king heavily relied on the assemblies of the three estates of different ‘élections’.<sup>150</sup> We have seen how Poitou raised funds for the prisoners of Verneuil. In February 1442, the French king asked the ‘élus’ of Saintonge to levy *plus grans sommes que faire pourront* on the town of La Rochelle and other towns in their ‘élection’ to help Raoul de Gaucourt.<sup>151</sup> Seven months later, François de

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English knight had great trouble raising the remaining 100 marks. He petitioned the king who granted him the whole 100 marks. TNA, E 404/62/217; also quoted in *English suits*, p. 292 (1446, July 18). See also ADN, B 1994, fol. 147v-148r.

<sup>149</sup> TNA, E 404/56/164 (1440, February 4).

<sup>150</sup> About the significant financial function of the estates of Poitou in the first half of the fifteenth century, see J. M. Tyrell, *A history of the estates of Poitou*, The Hague & Paris, 1968, pp. 35-54.

<sup>151</sup> BN, PO 1292, Gaucourt, 46 (1442, February 4).

Mareuil, seneschal of Saintonge, sent a letter to the king to confirm that an assembly had been held at Saint-Jean-d'Angely to treat this matter and that an aid of £332 (2,000 l.t.) had been voted for.<sup>152</sup> Another £332 (2,000 l.t.) which Charles VII had promised to his chamberlain was granted by the estates of Limousin and Auvergne.<sup>153</sup> In 1453, Charles VII cunningly relied on the 'well-known' solidarity among the French captains to help Poton de Xaintrailles without spending any extra money.<sup>154</sup> Highlighting their generosity towards each other, the king asked the captains to grant a part of the wages of their men to Xaintrailles who had been taken prisoner by the English.

In some instances though, the king could simply not assist as much as he wanted to. In September 1434, for instance, Charles VII, who once again relied on the estates of Poitou, granted £166 (1,000 l.t.) to Jean de Vendôme, vidame de Chartres, for his valiant services against the English, whose prisoner he had been for some time and to aid him in paying his ransom. However, the French king wished to do more for Vendôme but had to confess that 'we cannot currently so generously help you with our finances because of the charges on them'.<sup>155</sup> The prince had to make difficult choices when spending his money, but, in general, political or strategic needs would prevail over charity towards prisoners. As we have seen, this situation occurred when the king had to choose between the contrite rebel who asked for his lands back and the loyal subject who had received the confiscated lands. As another example, in 1430, the duke of Burgundy granted £133 (800 l.t.) to Guillaume de Journelle, knight, bailli of La Montagnes in aid of his ransom.<sup>156</sup> The money was assigned on the income from Salines in the castellany of Saux. However, the duke was informed straight afterwards that his castle of Saux needed repair. He had to choose between this strategic need and the assistance to Journelle. Not surprisingly, he ultimately chose to revoke his grant to the prisoner. Finally, I believe that the different factors highlighted in this conclusion – the existing wages of soldiers, attitudes toward ransom (the King being the last resort) and shortage of money – helps us to understand the relative rarity of donations in princely accountancy.<sup>157</sup>

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<sup>152</sup> Ibid., no. 49 (1442, August 14).

<sup>153</sup> Several quittances of payment have survived: £83 (500 l.t.) on 22 May 1443, £41.50 (250 l.t.) on 8 September, another £41.50 on 12 September and finally £152.7 (920 l.t.). Ibid., nos 50-2, 54-6.

<sup>154</sup> BL, Add Ch 4072 (1453, March 12).

<sup>155</sup> BL, Add Ch 3744 (1434, September 22).

<sup>156</sup> BN, Coll. Bourgogne, no. 29, fol. 48 (1430, October 9).

<sup>157</sup> Royal grants on the French or English sides are also very modest in terms of quantity. Had the accounts of the English king's chamber survived, they may have provided many more examples of gifts. About the king's chamber in the 1360s and 70s, see C. Given-Wilson, *The Royal Household and the King's Affinity*, New Haven

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and London, 1986, pp. 87-8. The surviving documentation gives hardly any sign of the English magnates' support. See for examples *Register of Edward the Black Prince preserved in the Public Record Office*, 4 vol., London, 1930-3; *John of Gaunt's Register, 1371-1375* (above quoted, p. 139, n. 7 ); *John of Gaunt's Register, 1379-1383*, E.C. Lodge & R. Somerville (ed.), 2 vol., London, 1937. It is also noticeable that O. Mattéoni does even not mention any grant towards the payment of ransoms of members of the household of the dukes of Bourbon in the fourteenth and fifteenth centuries. O. Mattéoni, *Servir le prince. Les officiers des ducs de Bourbon à la fin du Moyen Age (1356-1523)*, Paris, 1998. There are only a couple of references to grants to prisoners of war in E. Gonzales, *Un Prince en son Hôtel* (CD-ROM).

## Chapter 8

### *Company, friends and family*

In the first instance, the prisoner drew his support from his companions, friends and relatives. It was in these people that he primarily placed his hopes of regaining one day his freedom. However, the private nature of their assistance makes them and their actions far less visible in the sources than that of the government. The scarcity of the documentation is probably the strongest common point between these different actors and their forms of support. At any rate, it is the main reason why they will be treated together in this final chapter. It is important to note however that companions, friends and relatives were all quite separate as resources to the prisoner and did not necessarily interact with each other. It is for this reason that I will investigate them individually (even if some common links between them will appear). In the first part, I will explore assistance within the company, in particular, between the captain and his men. In the second part, I will focus on individual friendships and partnerships inside and outside the company. In the third part, finally, family support will be under close scrutiny.

#### **I. Captains and their men**

To some extent, it was expected that the captain would help any of his men who had been captured by the enemy. It is in this way that Pollard believes that John Talbot may have contributed to the ransoms of members of his personal retinue, including John Hensacre and Robert Stafford, who fell into French hands in 1443.<sup>1</sup> The historian is however very careful in wording this assumption, for, in fact, his sources do not substantiate (or deny) the captain's assistance. The question is: Are we right to raise such expectations about late medieval captains?

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<sup>1</sup> A.J. Pollard, *John Talbot and the war in France, 1427-1453*, London, 1983, p. 115.

It is natural that some captains built up relationships with their men and might feel very bitter about their capture or death. We have seen how when Regnault Guillem heard that some of his men had been executed he threatened to do the same to his English captives.<sup>2</sup> As another example, we know that Enguerran de Gribauval's capture at the siege of Beaumont-en-Argonne, in April 1428, troubled Jean de Luxembourg who thought that his man had died of his injuries.<sup>3</sup> It was, in fact, what the French wanted him to believe as part of an elaborate scheme to ransom the prisoner who was, in fact, alive and well. The ploy was, however, exposed when the town surrendered and Gribauval was liberated. Without going into too much detail, it is important to note that not all companies had such a strong bond. For example, there is reason to believe that the company of a great host gave less opportunity for the soldiers to bond than garrisons.<sup>4</sup> Also, the fact that the main concern of such captains as Hugh Hastings and John Strother, when recruiting and sealing contracts, was to make a profit at the expense of their retinees was certainly not a good start for the development of an *esprit de corps* within their company.<sup>5</sup>

This being said, it is time to examine the situations in which we see captains giving assistance to their men in trouble. Narrative sources occasionally provide such evidence. According to Jean Cuvelier, Bertrand Du Guesclin rescued all of his men who were captured at the battle of Lussac (1370) by paying their ransom within three months.<sup>6</sup> Jean Froissart reported that Bertrand's brother, Olivier, paid the ransoms of all those who had been taken prisoner with him in the woods near Cherbourg.<sup>7</sup> The author of *Le Jouvencel* includes similar examples of the action of the captain for his men on two different occasions. In the first passage, the Jouvencel's ransom was paid by his captain, while, in the second one, in his turn, the Jouvencel, who was then captain, was ready to pay the ransom of his men in the event of

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<sup>2</sup> See, above pp. 32-3.

<sup>3</sup> Monstrelet, *Chronique*, iv. 290.

<sup>4</sup> What Bell's figures show about the English campaigns of 1387 and 1388 is that, as we go down the hierarchy, soldiers seem less and less willing to serve under the same captain in the different campaigns, and it is striking for our purpose that, in fact 62% of the esquires and 71% of the archers did not serve under the same captain. Therefore, to sum up, out of the very weak percentage of soldiers (20%) from the first expedition who participated in the second one, only 38% of esquires and 29% of archers fought in the same retinue. In this particular case, it is quite clear that the expeditions were not propitious to the development of an *esprit de corps*. Soldiers did not seem inclined to wage war on France a second time and, above all, not under the same leader. A. Bell, *War and the soldier in the fourteenth century*, Woodbridge, 2004, pp. 98-100 and 245.

<sup>5</sup> A. Goodman, 'The military subcontracts of Sir Hugh Hastings, 1380', *E.H.R.*, 95 (1980), 114-20; S. Walker, 'Profit and Loss', pp. 100-6.

<sup>6</sup> Cuvelier, *Chronique*, p. 207.

<sup>7</sup> *Chroniques de Froissart*, Luce (ed.), ix. 98 ; Given-Wilson, 'The Ransom of Olivier du Guesclin', p. 18.

their capture.<sup>8</sup> However sceptical one might be about these sources, at the very least, they show that a captain's assistance to his men was something plausible.

There is further, more concrete evidence of this support. In his petition to the king, in the late 1370s, Matthew Gournay stated that he had been taken prisoner three times.<sup>9</sup> Following his last capture in Poitou, the English knight claimed that he paid for himself and all the men of his company 'to the great impediment of his condition'.<sup>10</sup> In 1412, Boquet de Lattre, *panetier* of the duke, received £32 (200 francs) from John the Fearless in order to pay his ransom and that of his four varlets.<sup>11</sup> We learn in a quittance of Perrinet Gressart, made in 1426, that Georges de la Trémoille had paid the ransom of one of his captains, called Galobie de Panassac.<sup>12</sup> In 1434, Philip the Good granted £132 (600 golden crowns) to Guillaume d'Oiselar, for his ransom and that of seven men-at-arms who were taken at la Buissière, in 1423.<sup>13</sup> In 1453, Poton de Xaintrailles asked for assistance from Charles VII in order to pay the ransoms of his relatives and all his other men who had fallen into the hands of the enemy.<sup>14</sup> Henry VI's grant to the esquire Thomas Kirkeby for his service during which he had been taken prisoner with several men in his company suggests that the capture of these men were considered as part of the esquire's misfortunes.<sup>15</sup> In this example the captain's support is only suggested but would it be unreasonable therefore to think that Kirkeby had paid the ransoms of his men too?

The captain's assistance is also suggested in some cases of collective ransoms. As we have already seen, Richard Pers and two servants were captured by the French at sea and led to Mont-Saint-Michel.<sup>16</sup> Their collective ransom was fixed at £26.5 and Pers seems to have accepted the financial responsibility for it. Building on this idea, it would not be implausible to suggest that many a ransom mentioned in the documentation actually included the ransom of more than one person. This was the case, for instance, for the ransom of Jean II le Bon,

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<sup>8</sup> *Le Jouvencel*, i. 74-8, ii. 218-9.

<sup>9</sup> TNA, SC 8/113/5629 (c. 1377-c. 1380).

<sup>10</sup> ...*au grant enpoeinssement de son estat*.

<sup>11</sup> ADN, B 1894, fol. 200 rv (1412, March 18).

<sup>12</sup> C.-L. de la Trémoille, *Les La Trémoille pendant cinq siècles, i. Guy VI et Georges (1343-1446)*, p. 136 ; Bossuat, *Perrinet*, p. 69 n. 2 (1426, May 31)

<sup>13</sup> BN, Coll. Bourgogne, fol. 32 (1434, October 9). It is specified in the grant that Oiselar had been compelled to pay the ransom of these seven combatants. Whether or not he was their captain, this last case raises an important question. Were captains sometimes forced to pay the ransoms of their men against their will? We occasionally see prisoners being compelled to pledge and pay the ransoms of other fellow captives. AN, JJ 111, no. 121; *N.H.L.*, x, col. 1594-6, no. 629 (1377, July).

<sup>14</sup> BL, Add Ch 4072 (1453, March 12).

<sup>15</sup> AN, Coll. Lenoir, 3/370 (1423, June 26).

<sup>16</sup> See above, p. 134.

who was captured at the battle of Poitiers in 1356.<sup>17</sup> His huge ransom included the ransoms of numerous other wealthy prisoners, who were released without paying anything themselves.

Treaties of surrender offered good opportunities to negotiate the liberation of captives. Before discussing this, it is necessary to demonstrate that these treaties were the result of private negotiations between besiegers and besieged. Even if the authorities were behind some of these negotiations, we know this not to be the case in all circumstances.<sup>18</sup> In this respect, it is interesting to note, in the 1370s, that the English government and parliament showed strong dissatisfaction toward the capitulation of certain towns and castles in France. For instance, Jean de Gommegnies and William Weston were held responsible for the losses of the castles of Ardres and Audruicq.<sup>19</sup> There is thus no doubt that the crown had not participated in the negotiations for the surrender of these two fortresses.<sup>20</sup> In fact, there is reason to believe that, in general, the authorities must have been rather reluctant to condone the failure of their men. When it took place during the siege, correspondence between the defending garrisons and the central government is likely to have been about troop reinforcement, rather than surrendering.

The responsibility of the garrisons in the negotiations is sometimes highlighted in the sources. The French garrison of the castle of Torcy surrendered in 1430. They were captured and taken to Rouen where some of them were beheaded.<sup>21</sup> Showing no sympathy, Cousinot held the French themselves responsible for these executions, as, for him, they had agreed very foolish terms of surrender. What is interesting to note here is the emphasis on the role of the negotiations. An inquiry into the chaotic storming of Castillon in July 1453 gives an insight into the unfolding of the negotiations which took place. The following description is based on the testimony of a French knight called Rue Dessepeaux who acted as a messenger in the framework of the negotiations.<sup>22</sup> Informed of the progress of English reinforcements, the French commanders decided that it was time to come to an agreement with the English of Castillon and drew up the terms of the capitulation. They felt that they could make the

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<sup>17</sup> Bériac-Lainé & Given Wilson, *Les prisonniers*, pp. 156-7.

<sup>18</sup> Concerning Henry V's supervision of some negotiations during the invasion of Normandy, see above, p. 77 and n. 104.

<sup>19</sup> *PROME*, vi. 21-6 (1377, November 27). They were sentenced to death, but Weston was subsequently pardoned. *C.P.R.*, 1377-81, p. 124 (1377, December 28).

<sup>20</sup> For another example of captains in trouble because of their surrender, see *PROME*, vi. 331-2 (1383, October).

<sup>21</sup> Cousinot, *Chronique*, p. 468.

<sup>22</sup> The document includes 12 depositions of witnesses. BN, Ms Duchesne, no. 108, fol. 35-46. (The deposition of Reue Dessepeaux runs on the folio 39rvo.)

besieged surrender as prisoners at the king's mercy. Also, the inheritance of the Gascons would be confiscated. The lord of Aymet was sent to Castillon to make their proposal.<sup>23</sup>

[Shortly afterwards, Aymet returned] with some articles which those inside requested, but which were very unreasonable as it seemed to everybody; and they were corrected in this form: that is to say, they would all be prisoners at the king's mercy, their lives would be spared and they would quit all seals and promises [probably from prisoners who were in their hands] and... this treaty was sent to those inside and they would not have another one and, after debate, they agreed.

The clause concerning the confiscation of the Gascon estates had apparently been withdrawn in the final version of the treaty. This example thus shows how there was room for negotiations and how the commands were in the hands of the captains, as there was no external intervention.<sup>24</sup>

On this basis, when treaties included the release of prisoners we can also consider that it was probably an initiative of these captains. For example, it was initially agreed at the surrender of Troyes, in July 1429, that the Burgundian soldiers could leave the town freely together with their French prisoners.<sup>25</sup> However, at the time of their departure, Joan of Arc interfered vehemently and requested the Burgundians to release their captives. They agreed and Charles VII paid the ransoms of the prisoners to their captors. The numerous treaties of capitulation which have survived show many more examples of the liberation of prisoners. The payment of the ransoms could sometimes be part of the clauses of these treaties, as was the case for the capitulation of Saint-Sauveur in May 1375.<sup>26</sup> However, treaties more often included the pure and simple release of prisoners. The terms for the surrender of Saint-Denis, for example, included the liberation of the French prisoners that the English had captured during the siege.<sup>27</sup> At Zenenberghe, in April 1426, the duke of Burgundy demanded that all

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<sup>23</sup> Ibid., fol. 39vo.

<sup>24</sup> See also the negotiations between Osborn Mondefort and the Bastard of Orléans for the surrender of Châteaudun in 1449, where the English captain fixed the amount of the ransom for his men. BN, Ms Fr 4054, fol. 147, no. 81 (1449, August 29).

<sup>25</sup> Cousinot, *Chronique*, p. 319. According to a letter of Jean de Châtillon, lord of Troissy, the Burgundians received a mark of silver for each prisoner. *Procès de condamnation et de réhabilitation de Jeanne d'Arc dite la pucelle*, J. Quicherat (ed.), 5 vol., Paris, 1841-9, iv. 296-7; Contamine, 'The Growth of State Control', p. 169.

<sup>26</sup> L. Delisle, *Histoire du château et des sires de Saint-Sauveur-le-Vicomte*, Valognes, Paris et Caen, 1867, pp. 198-200, pp. 242-8; as cited in Froissart, viii. cxxii, n. 3 (1375, May 21).

<sup>27</sup> Monstrelet, *Chronique*, v. 184-7. See also, Ibid., iv. 175.



the Burgundian prisoners were released.<sup>28</sup> More often than not, the terms for these releases were not selective. All prisoners in the hands of the besieged would regain their freedom.<sup>29</sup>

The besiegers were not, however, usually in a strong enough position to impose their will. In many circumstances, the besieged troops agreed to retreat in compensation for some money and the release of one or several companions. Numerous examples have been quoted in Chapter 3 in which I highlighted the involvement of the princes in acquiring these prisoners who were in the hands of their men. Finally, other treaties of surrender included the release of prisoners on both sides. In 1360, Pierre Descalat demanded £638 (2,900 golden crowns) for the evacuation of Véretz that Marshal Boucicaut agreed to pay, but both French and English prisoners would return freely to their side.<sup>30</sup> What clearly appears through all these treaties is that, at various stages of the Hundred Years War, French and English captains, who were alternately besieged and besiegers, took the opportunity to release their men or companions who had been captured by the enemy.

## II. Friendship and partnership

Assistance from friends was essential in the business of ransoming, as Jean de Cayeu, a banker of Amiens, stated in his plea before the Parlement of Paris in 1435: *les prisonniers ne se peuvent aidier sinon par leurs amis*.<sup>31</sup> Also, complaining about the lateness of his pursuing, the poet prisoner Jean Régnier wrote in 1432: *Fais ton devoir vers mes amys, que d'icy puisse departir*.<sup>32</sup> But who exactly were these friends?

The concept of friendship is, still now, an object of debate among historians. Claude Gauvard's thorough examination of letters of remission showed that, in these letters, there was a clear distinction between friends and relatives.<sup>33</sup> If the terms of companion and friend sometimes coincided, the former referred more specifically to common geographical origins or temporary activities. In the particular context of military society, companions were

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<sup>28</sup> Ibid., iv. 257.

<sup>29</sup> For Rouen (1419) and Montguyon (1451), see Contamine, 'Rançons et butins', p. 245 and n. 20. For Caen (1450), see AN, K 68, no. 45. For Cherbourg (1450), see *Chronique du Mont-St-Michel*, ii. 237-9, no. 290. Sometimes, in those treaties, prisoners who had already agreed and started paying their ransom would have to complete this payment. See, for instance, the treaty of Compiègne (1422, May) or the Treaty of Brétigny-Calais (1359-60). L. Carolus-Barré, 'Compiègne et la guerre, 1414-1430', in *La « France anglaise »*, 386-92, at pp. 388-9; Bériac-Lainé & Given-Wilson, *Les prisonniers*, p. 156.

<sup>30</sup> Timbal, *La guerre de Cent Ans*, p. 441, n. 218.

<sup>31</sup> Bossuat, 'Les prisonniers de Beauvais', p. 30.

<sup>32</sup> Régnier, *Les fortunes*, p. 53.

<sup>33</sup> Gauvard, « *De grace especial* », ii. 643-5.

combatants who fought together for a period of time.<sup>34</sup> Finally, friendship appears to be highly codified in these letters, but, according to Gauvard, this formality does not exclude the strength of sentiments between friends.<sup>35</sup> Building on Gauvard's study, Mattéoni highlights the socio-political value of friendship, concluding that at the end of the Middle Ages, friendship was at the heart of a system of alliances and kinship.<sup>36</sup> English historians have traditionally stressed vertical social links, like patron-client relationships, confining friendship in the system of patronage. However these ideas are no longer prevalent. Philippa Maddern showed, for example, how 'some gentry, in their ordinary daily business, may have actively avoided magnates, seeking instead the support of close, reciprocal, functional relationships among their neighbours, kin and marriage connections.'<sup>37</sup>

The various ransom cases that I have gathered do not shed any new light on those questions. The rare precisions about the nature of relationships highlight that relatives, friends and masters were clearly differentiated. The poet Jean Régnier, for example, distinguished his *amys* from his *maistre*, who both contributed greatly in raising the money for his ransom, while his *parens* had apparently not been of any great help.<sup>38</sup> This distinction between masters and friends is also very clear in a letter of John Fastolf who hoped that John Rafman *wold brynk to mynde that I payed for hese fynaunce and raunson (£66) 100 marks and quitted him ought of prison in Fraunce where all the maysteres and frendz that ever he hadde wold noght a don it*.<sup>39</sup> Finally, Guillaume Garnier said in a letter of remission that he had done all he could possibly do 'with his friends and others living in the said town of Evreux and its area through loans or otherwise' in order to raise his ransom and release his son who was held in prison for him.<sup>40</sup> This last piece of evidence suggests that there was a neat distinction between friends and any other intermediaries who would play a part in the raising of funds. All in all, in these few pieces of evidence, friends are clearly distinguished from masters, relatives and

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<sup>34</sup> Ibid., ii. 680.

<sup>35</sup> Ibid., ii. 676-8.

<sup>36</sup> O. Mattéoni, 'Ami', in C. Gauvard, A. de Libera & M. Zink (ed.), *Dictionnaire du Moyen Age*, Paris, 2002, pp. 50-1.

<sup>37</sup> P. Maddern, "'Best Trusted Friends': Concepts and Practices of Friendship among Fifteenth-Century Norfolk Gentry", in N. Rogers (ed.), *England in the Fifteenth Century. Proceedings of the 1992 Harlaxton Symposium*, Stamford, 1994, 100-16, at p. 100.

<sup>38</sup> Régnier, *Les fortunes*, pp. 166-7

<sup>39</sup> McFarlane, 'The investment', p. 193, n. 89; Jones, 'Ransom brokerage', p. 230.

<sup>40</sup> *Actes*, i. 150-3, no. 63 (1424, November).

any other people who might be involved in this business. This may suggest that friends enjoyed a particular relationship which was less instrumental than affectionate.<sup>41</sup>

Beside the problem posed by the concept of friendship, another issue is raised by the fact that the nature of the relationship between the prisoner and his benefactors is quite often unidentified. (A more prosopographical approach to this question would certainly be beneficial.) Nevertheless, evidence does shed some light on the role of friends. Expectations between friends were high. The prisoner sent a herald to his friends to make an arrangement for his ransom<sup>42</sup> or he went to them in person when he managed to obtain his temporary release.<sup>43</sup> It was through the intermediary of his friends that Ferry de Mailly regained his freedom in January 1416.<sup>44</sup> As we learn in the quittance of payment he received from his captor in 1421, Jean d'Aspremont would not have been able to pay his ransom of £66 (300 golden crowns) without the assistance of his friends.<sup>45</sup> In 1447, Guillaume Barbey claimed that his several captures had cost much money to him and his friends.<sup>46</sup> Hugh Maddok eventually resolved to petition the king in 1450, as he had spent all his money and that of his friends.<sup>47</sup> Friends were however not always able to give assistance. As the expression goes in grants or petitions to the kings, 'his ransom was so big that neither he nor his friends could pay it'.<sup>48</sup> Could these friends genuinely not afford to help the captive? Some friends were probably not as good as those of Jean Régnier (*Louer dois Dieu de l'eure que telz amys conquis*),<sup>49</sup> but there is no reason to show excessive scepticism. Finally, I will turn my attention to the rather intriguing petition of Elizabeth on behalf of her husband, John Knyvett, who was a prisoner in France in 1438.<sup>50</sup> Elizabeth asked Henry VI to reinstate her husband in his favour so that he could ask for money from his friend. On one hand, this petition highlights once again the significance of friends; on the other hand, it seems to reveal weaknesses in Knyvett's friendships, for it sounds like the king's disgrace had caused Knyvett's isolation.

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<sup>41</sup> For Maddern, this dichotomy 'sits uneasily with the evidence of friendship in medieval and Renaissance Europe'. Maddern, "Best Trusted Friends", p. 115.

<sup>42</sup> AN, X1a 4796, fol. 181 (1430, February).

<sup>43</sup> See, for instance, *Actes*, i. 150-3, no. 63 (1424, November); BL, Add Ch 12211, 2 (1444, March 6).

<sup>44</sup> Monstrelet, *Chronique*, iii. 133-4 (1416, January 24)

<sup>45</sup> BN, PO 111, Aspremont<sup>2</sup>, 12 (1421, June 24).

<sup>46</sup> *Chronique du Mont-St-Michel*, ii. 200-2, no. 259 (1447, January).

<sup>47</sup> TNA, E 404/66/217 (1450, August 28).

<sup>48</sup> See, for instance, *Livre des Miracles*, pp. 43-4, no. 89 (1421, July 18); *Actes*, ii. 149-53, no. 198 (1429, September 18); TNA, E 404/56/164 (1440, February 4); TNA, C 81/1546/78; as cited in Jones, 'Ransom brokerage', p. 223 (1450).

<sup>49</sup> Régnier, *Les fortunes*, p. 167.

<sup>50</sup> TNA, PSO 1/5/298 (1438, June 6).

Friends (and companions) also tried to arrange the liberation of the prisoner through exchanges of prisoners. William Bucton claimed that he acquired the rights to the French prisoner Jean de la Haie after intense negotiations with the lord of Stafford.<sup>51</sup> His purpose was to exchange the captive for four of his companions who had been captured by Denis de Chailly. Many such exchanges could be quoted here, but most of the time we unfortunately do not know the nature of the relationship between the captive and the intermediary.<sup>52</sup> Friendly support could take other forms. We have seen how John Bowes, a Member of Parliament, brought the petition of his friend and neighbour, Thomas Rempston, who had trouble in paying his ransom, before the Parliament.<sup>53</sup> Taking the place of friend in prison surely was a strong demonstration of trust and loyalty. In this way, Geoffrey Harper, an archer in the garrison of Tombelaine, is recorded in the counter-rolls of the third quarter of 1437 as having left the garrison from 1 to 16 September 'and left to be pledge and hostage at Mont-Saint-Michel for a Welshman of the garrison of Bayeux'.<sup>54</sup> However, the trust of Jaquemart de Saint-Gilles in his friend Jean Fiene was seemingly misplaced.<sup>55</sup> He gave him his son to be held as hostage so that Fiene could be released on parole. The condition was that Fiene would obtain the release of the boy within a month, but he seemingly failed his to do this. The ensuing dispute between Saint-Gilles and Fiene was brought before the Parlement of Paris. Saint-Gilles highlighted the fact that his son was a pupil who went to school and that he lost much time during this long detention.

Friendship and companionship are not easily disassociated. The joint experiences of life, at war or at home, were surely decisive in binding combatants or future combatants together. We can reasonably assume that the two English esquires, Nicolas de Molyneux and John Winter, were already good friends before their first participation in a military expedition to France in 1421, as the two men decided to become sworn brothers-in-arms at the beginning of the campaign.<sup>56</sup> However, it is maybe their experience at war in France which bound together

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<sup>51</sup> AN, X1a 4797, fol. 215ro-216ro (1434, December 22).

<sup>52</sup> For examples, the masters of Thomas Cooley demanded him to organise the release of the captain of Coursillon in 1429. *Actes*, ii. 149-53, no. 198 (1429, September 18). See also AN, X1a 4797, fol. 47v (1433, March 9).

<sup>53</sup> See above, p. 146.

<sup>54</sup> BN, Ms Fr 25773/1143 (1437, September); also quoted in A. Curry, 'Isolated or Integrated? The English Soldier in Lancastrian Normandy', 191-210, at p. 206.

<sup>55</sup> AN, X1a 4794, 194vo-195r (1425, February 18); the case is also quoted in Bossuat 'les prisonniers de Beauvais', p. 31, n. 5.

<sup>56</sup> K.B. McFarlane, 'A business-partnership in war and administration, 1421-1445', *E.H.R.*, 78 (1963), 290-308 (reprinted in his *England in the fifteenth century*, pp. 151-74).

William Neville and John Clanvowe. These two knights first appear in the sources when they were captured at the battle of Pontvallain in 1370. After a relatively short period of captivity, they were incorporated in the garrison of Saint-Sauveur-le-Vicomte.<sup>57</sup> Their long ensuing friendship, their acquaintance with Geoffrey Chaucer and the position they enjoyed at the court of Richard II are already well-known.<sup>58</sup> In 1390, Clanvowe took part in a Genoese-led attack on the port of Tunis, with other English knights and in the following year, he was on his way to Constantinople when he died, on 17 October, in a village in Greece. Neville died in Rhodes in 1391. Their arms were impaled in their joint tombstone in a most unusual way which indicates their brotherhood in arms. Interestingly, Bower has recently drawn an analogy between Palamon and Arcite, two brothers-in-arms kept in captivity in Chaucer's *Knight's Tale*, with Clanvowe and Neville.<sup>59</sup> Could it be that Chaucer was making a reference to their early years in prison in France where the two knights had met and bonded?

There was no doubt that the experience of war created strong relationships and that the fear of being captured was a tangible one. The contract of brotherhood-in-arms sealed by Winter and Molyneux is particularly revealing. Five out of eleven clauses concerned the eventuality of being captured by the enemy. If either was taken prisoner, the other was bound to do all that was possible to secure his liberation provided that the ransom demanded for him did not exceed £1,000. If it did exceed £1,000, the free brother-in-arms would act as a pledge and hostage for the release on parole of the captive for eight or nine months so that the latter could go home to raise the larger sum. Should both brothers be taken prisoner at the same time one would remain hostage while the other would procure the ransom money for both. The preservation of such a contract, it must be noted, is unique, but there is reason to wonder whether it was unique at the time.

While there is further evidence of brotherhood-in-arms in the course of the Hundred Years War, it is quite difficult to say how common it was. One of the problems is that there were probably different kinds of brotherhood-in-arms. Indeed, Keen has shown that the terms of the contract changed according to the status of the contractors.<sup>60</sup> The lower we go down the hierarchy, the less chivalric and the more materialistic were these agreements. At the bottom

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<sup>57</sup> TNA, E 101/30/38, 31/18; Fowler, *Medieval mercenaries*, i. 294-5.

<sup>58</sup> S. Düll, A. Luttrell & M. Keen, 'Faithful unto death: the tomb slab of Sir William Neville and Sir John Clanvowe, Constantinople, 1391', *The Antiquaries Journal*, 71 (1991), 174-190.

<sup>59</sup> J. Bower, 'Three Readings of the *Knight's Tale*: Sir John Clanvowe, Geoffrey Chaucer and James I of Scotland', *Journal of Medieval and Early Modern Studies*, 34 (2004), 279-307.

<sup>60</sup> M. Keen, 'Brotherhood in Arms', in *History*, 47 (1962), 1-17, at pp. 2-3.

of the hierarchy, McFarlane sees likely brothers-in-arms where soldiers are paired in the indentures of war. We can draw a parallel here with the great majority of the more humble masters of prisoners at Agincourt who were associated in pairs as well.<sup>61</sup> Interestingly, the limited evidence gathered about the captors of Poitiers seems to reveal a similar pairing.<sup>62</sup> Should we consider that brothers-in-arms were particularly well represented at the lower level of military society or should we question the nature of the relationship between these men?

With regards to Agincourt, we can see a captain associated with an archer, a knight with a man of Calais, a servant of the duke of Gloucester with a citizen of London. The eclectic nature of these pairs suggests that some alternative forms of associations existed, which were most probably only based on profits. The study of the registers of the *Parlement de Paris* of the fourteenth century left Pierre-Clément Timbal and his team with the impression that the chivalric notion of brothers-in-arms was out of date; that there remained only associations based on the fair division of the spoils of war.<sup>63</sup> In these circumstances, the contract of Winter and Molyneux seems to be an oddity, the norm being much closer to such agreements like that of Boort de Nantouillet and Raoul Tesson ‘who had contracted company together and had wanted to agree that all that they would win and take from the enemy... would be put in common between them and that each of them would receive half of it wherever he would be; as a proof of it [this agreement], they had exchanged a quarter of their arms.’<sup>64</sup>

### III. Relatives

When Alain de Mauny, a nephew of Bertrand du Guesclin, unveiled his desire to marry Marie de Roye, some relatives of her father, Guy de Roye, a hostage of the treaty of Brétigny, replied that ‘if he could do so much as to deliver the lord of Roye, he would have the daughter’.<sup>65</sup> The project materialised and the lord of Roye found his way out of prison thanks to his family. The family gathered around its members in trouble. In 1427, Jean Cachalot, royal sergeant in Normandy, claimed that his ransom had ruined him and his family.<sup>66</sup> He had sold his office and several inheritances belonging to the family in order to pay. His brothers and sisters were now in a state of utter destitution, but found the way to pay his ransom

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<sup>61</sup> Ambühl, ‘Le sort des prisonniers’, pp. 757-65.

<sup>62</sup> Bériac-Lainé & Given-Wilson, *Poitiers*, pp. 281-2.

<sup>63</sup> Timbal, *La guerre de Cent ans*, p. 269.

<sup>64</sup> AN, X1c 38, no. 32 (1379, February 15); see also AN X1a 28, fol. 55rc.

<sup>65</sup> Timbal, *La Guerre de Cent Ans*, pp. 401-2.

<sup>66</sup> BN, Ms Fr 26050/759 (1427, August 13).

through the intermediary of their friends. This case is another example of family care. At the same time, it also highlights that the family tried to deal with problems internally before resorting to external support. In sharp contrast, Jean de Saint-Ligier claimed in the Parlement of Paris that the wife, relatives and friends of his captive, Despert Bestot, had all refused to help the latter.<sup>67</sup> According to Saint-Ligier, this was the reason why Bestot agreed to pay his ransom with his inheritance. This version of the facts was however strongly contested by Jean de Vienne and the general attorney who claimed that Bestot's cession of his estates had nothing to do with the non-assistance of his family, but that he had been forced to give them up. The sentence of the court is unfortunately unknown, but it is hard to believe that nobody in the entourage of the prisoner was willing to help him. Not surprisingly, the sources are much too scarce to allow a complete picture of the family's assistance. They do, however, give us an idea of the various forms of support provided by different members of the family and reveal some patterns of assistance linked to the family tie. The following comments are focused on the 'nuclear family': husband and wife, father and son and siblings.

### *Husband and wife*

The normal role of the prisoner's wife in the poetry of Jean Régnier and Philippe Bouton is that of a hostage. She replaced her husband in prison so that the latter would be able to raise the money for his ransom.

*Ne scey combien de prisonniers  
Furent condamnés a mourir,  
Leurs femmes les avoyent tant chers  
Qu'elles se vindrent devestir  
Et de leurs habitz les vestir.  
Ainsi leurs maris hors vuiderent  
Et leurs femmes la demourerent.*<sup>68</sup>

The poets drew a very compassionate portrait of the prisoner's wife passively suffering in the hands of the enemy. But does it fit with the facts? There surely is evidence of wives who replaced their husbands in prison,<sup>69</sup> and some of them experienced very harsh conditions of

<sup>67</sup> ...et respondi sa fame qu'elle ne lui aideroit mie d'un doublet se on le devoit pendre. AN, X1a 4795, fol. 197v (1428, January).

<sup>68</sup> These are the verses of Philippe Bouton. Régnier, *Les fortunes*, p. 236 n.

<sup>69</sup> See for instance, AN, X1a 4794, 194vo-195r (1425, February 18).

imprisonment. Marguerite de Monnay, wife of a gentleman called Gilbert de Frenay, for example, had been prisoner and pledge for her husband in the town of Fresnay-le-Vicomte for five years and five months ‘in fetters and in an iron chain, and beside this she was in stocks, day and night, because her husband could not pay the great ransom which was asked of him’.<sup>70</sup> In general, however, sources show prisoners’ wives being much more active in the process of releasing their husbands or raising the money for their ransom.

We can see wives like Joan Felton (Sir Thomas Felton), Ellen Ratford (Sir Henry Ratford), Lady Lesparre (Florimont de Lesparre) among others, who were deeply involved in the process of petitioning the authorities.<sup>71</sup> How far were these women responsible for the release of their husbands? Traces of correspondence between wife and husband in prison are extremely rare, not to say unique in the case of John and Maud Bouchier.<sup>72</sup> The knight sent a letter to his wife from his prison in France, in 1374. The written instructions in the letter are relatively vague.<sup>73</sup> The prisoner asked his wife to do anything necessary to get him out of jail; she could sell or mortgage all their lands, if she did not find any better solution, *kar ky n’ad le corps il n’ad rien*. In addition to this, John Rush who brought the letter to Maud had been entrusted with the mission of giving further details *de bouche* (orally) about the knight’s condition in prison and his will concerning his release. The next year, Maud made a request to Edward III to prevent Roger de Beaufort and Jean de la Roche, both French prisoners in the hands of the king, leaving England without having further guarantee that her husband would also be released at the same time.<sup>74</sup> Perhaps this was part of the oral instructions that Bouchier had given to his wife. It could also be that Maud took the initiative in the long and painful process of the liberation of her husband. In general, the involvement of all the wives who appear in the petitions was certainly not limited to soliciting the crown. It can reasonably be assumed that those women who were granted money by the sovereign would also get the money to their husband (or their husband’s captors): Horable to Renaud de Montléon, Simone to Charles de Poitiers,<sup>75</sup> Jeanne d’Archéac to Guillaume de Torsay.<sup>76</sup>

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<sup>70</sup> *Livre des Miracles*, p. 72-3, no. 118 (1437, May 23).

<sup>71</sup> TNA, SC 8/169/8424 (1381); TNA, SC 8/302/15064 (1431-2) and see above, p. 145.

<sup>72</sup> Jones, ‘Fortunes et malheurs’, p. 193.

<sup>73</sup> *Ibid.*, pp. 206-7 (1374, May 13).

<sup>74</sup> TNA, SC 8/21/1016; published in Jones, ‘Fortunes et malheurs’, pp. 207-8 (c. 1375).

<sup>75</sup> BL, Add Ch 11338 (1364, December 21).

<sup>76</sup> BL, Add Ch 3583 (1426, February 25).



Other pieces of evidence show wives in action. We know that Joan Goodrich raised the money for the ransom of her husband by herself.<sup>77</sup> Jeanne Chastegnère devoted herself to trading activities to pay the ransom of her husband, Jean de Varèze. In 1425, she received a special licence from Charles VII to sell 400 barrels of wheat, 300 barrels of wine and 800 *muids* of salt.<sup>78</sup> She was authorised to transport, exchange or sell them anywhere in the realm of France or elsewhere within two years. In April 1430, Estienette sold goods in order to pay the ransom of her husband Robin Letrais. The sale was approved by the latter when he was released five days later.<sup>79</sup> A year later, in April 1431, Letrais was once again prisoner when his wife and her brother-in-law returned to the 'tabellion' in order to sell wood for his release. In 1421, Guiote, wife of Jean Peguillot, a prisoner in Vaucouleurs, borrowed £44 (200 golden crowns) from Master Guy Gelinier to pay the ransom of Péguillot, 'and in order to get assistance for the ransom, Jean Peguillot himself wrote a letter'.<sup>80</sup> Guiote delivered this letter to Gelinier who agreed to loan the money. These last two examples stress the limit of the power of the prisoner's wife and thereby explain why the release on parole of the prisoner was important in many situations.<sup>81</sup>

I want to address, as a final case, the role played by Lady Dampierre in the release of her husband, Hugues de Châtillon, lord of Dampierre, master of the arbalesters of France, who was captured in 1369 and taken to England.<sup>82</sup> Charles V had entrusted Lady Dampierre with the custody of Simon Burley, in 1370, in order to be exchanged with her husband.<sup>83</sup> She kept Burley in her castle of Mareuil in Ponthieu. Her husband asked her, from his prison, to treat her prisoner well so that he would get better conditions of captivity. Problems occurred when Burley escaped. Lady Dampierre circulated the description of the prisoner in Abbeville and promised a reward of £16.5 (100 francs) to whoever would capture and return the fugitive. Burley fell into the hands of two unscrupulous French knights who saw an opportunity to make some money. The following trials and tribulations of this case ended before the Parlement of Paris. An arrest pronounced by the court on 9 August 1371 gave back the prisoner to Lady Dampierre. Yet the story does not stop here. Hugues de Châtillon was never

<sup>77</sup> TNA, SC8/332/15763 (1405-30?).

<sup>78</sup> BN, PO 2928, Varèze, no. 4 (1425, June 24).

<sup>79</sup> ADSM, 2<sup>E</sup> 14/718, non folié ; A. Dubois, 'Femmes dans la guerre (XIVe-XVe siècles): un rôle caché par les sources', *Tabularia « Etudes »*, 4 (2004), 39-51, at p. 41.

<sup>80</sup> Luce, *Jeanne d'Arc*, pp. 316-7, no. 24, (1421, December 30).

<sup>81</sup> See also, ADSM, 2<sup>E</sup> 14/718; as cited in Dubois, *Femmes dans la guerre*, p. 41 (1430, September 20).

<sup>82</sup> Hugues de Chatillon was captured in an ambush near Abbeville in September 1369. *Chronique des règnes de Jean II*, ii. 136.

<sup>83</sup> Timbal, *La guerre de Cent Ans*, pp. 322-9. Simon Burley was taken prisoner at Lusignan towards the middle of 1369. Froissart, ed. S. Luce, vii. 12.

exchanged with Burley because, in the meantime, Châtillon, who was seemingly not better than Burley at keeping his word, had escaped from his own prison in England. Could it be assumed that his hopes of liberation had vanished when he heard of Burley's flight?

Froissart introduced Lady Dampierre as the mastermind in Châtillon's plan of escape: 'he [Châtillon] found his way out (*trouva voie et tour*) through the intervention of my lady his wife; how he was released thanks to a mariner of Sluys in Flanders, who came to his rescue in the marches of Northumberland [in fact, Nottingham, as we will see], and did so much that he brought him back to Flanders'.<sup>84</sup> Unfortunately, the chronicler decided to shorten this story, because, as he frustratingly specified, 'this matter would be too long to develop'. His account of this escape is corroborated by some English sources. Indeed, Châtillon's escape is attested by the anonymous author of the *Anonimale Chronicle*, but, according to this source, the prisoner was not kept in Northumberland, but in the castle of Nottingham.<sup>85</sup> This latter statement is confirmed by a declaration of the commons at the Good Parliament in April 1376, in which they warned the king that the castle of Nottingham is maybe not the safest place in which the two sons of Charles de Blois should be kept, 'having regard for the escape of Sir Hugues Châtillon from there in the time of Steven Rumbilows, the good esquire'.<sup>86</sup>

### *Parents and their sons*

The second family tie – parents and sons – will be considered from two perspectives: firstly, the parents who came to the help of their sons and, secondly, the sons who assisted their fathers. Apart from one or two exceptions, the image of the father in the sources is usually that of the saviour who paid the ransom of their offspring.<sup>87</sup> Needless to say, this was not necessarily a straightforward operation. For instance, Sir Walter Hungerford met several difficulties in raising the money for the ransom of his son who had been captured by the

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<sup>84</sup> Froissart, ed. S. Luce, viii. 182.

<sup>85</sup> *Anonimale Chronicle*, p. 62.

<sup>86</sup> *PROME*, v. 364 (1376, April). As he was not a direct witness of the events which have probably been reported to him by a French speaker, Froissart's mixing up of the two places – Northumberland instead of Nottingham – should not undermine the value of his testimony.

<sup>87</sup> Charles V compensated the mother of Robert Fretart who had paid the ransoms of his son who had been captured several times and who lost his life at the battle of Lusignan (1369). AN, JJ 100, no. 393; as cited in Froissart, vii. liii-liv (1369, September). Guillaume de Halley, a Norman labourer, paid the ransom of his son and also pledged him '*corps pour corps*' for not going back with the French. *Actes*, i. 120-2, no. 51 (1424, October). Jeanne de Sens borrowed money to pay the ransom of her son, as she claimed before the Parlement of Paris. *English suits*, p. 88 (1425, February 15). Georges Bonenfant paid the ransom of his son Jacques. *Mémoires pour servir de preuves*, ii. col. 1252-3 (1432, August 7) Sir John Stewart paid his ransom and that of his son. Both soldiers had been taken prisoner at Pontoise. BL, Add Mss 15644, fol. 2-4 (1442, February 1). There were minor forms of assistances. For example, Eude, lord of Grancey acted as pledge for the payment of the ransom of his son in the 1370s. AN, X1a 28, fol. 272vo. (1379, March 5).

French at Patay in 1429.<sup>88</sup> He borrowed much money from merchants and ultimately needed the intervention of Henry VI in order to exert pressure on the Breton master of his son who refused to surrender some letters of obligation.<sup>89</sup> As another example, Margaret, duchess of Clarence took an active part in the release of her son Thomas of Beaufort, by negotiating with the duke of Orléans, petitioning the king, borrowing money in England and sending it to France.<sup>90</sup> Finally, an article of Burgundian accountancy shows the organisation of an exchange between Jean de Toulangeon who had been captured by Jacques de Chabannes and the latter's son who was in the hands of the duke of Burgundy.<sup>91</sup>

Some parents were compelled to take desperate measures to save their offspring from the hands of the enemy, so they claimed. For example, the governor of Orléans, André Marchand, was involved in two legal cases concerning two different prisoners. His claims to the ownership of these captives were very dubious. As it appears, his involvement in these cases resulted from the burden of the several captures and ransoms of his two sons. This argument seems to have played an important part in the verdict pronounced by a judge, in the first instance, who decided that he should receive the ransom of Jean Sudré, 'which he needs a lot to help him pay the ransom of one of his children, [who had been] prisoner of the English for two years'.<sup>92</sup> Yet, this sentence was contested by Sudré who brought the case in appeal before the Parlement of Paris in 1423. On 7 August 1425, André Marchand was once again involved in litigation in the same court. He was then battling against the Bastard of Orléans for the legitimate ownership of a prisoner of war, Robert Parent.<sup>93</sup> Marchand talked extensively about his difficulties in redeeming his two sons.<sup>94</sup> He claimed that their liberation had cost him much effort and money. In support of his claims, Jean Jouvenel des Ursins even suggested that 'the ransoms of his children had exceeded his profits from offices'.<sup>95</sup> If one would be tempted to sympathise with Marchand, however the sincerity of his plea remains in question.

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<sup>88</sup> Monstrelet, *Chronique*, iv. 327-9 (1429, June 18); see also about the Hungerfords, K.B. McFarlane, *The Nobility of Later Medieval England*, Oxford, 1973, pp. 126-8; Hicks, 'Counting the cost of war', pp. 11-31.

<sup>89</sup> About this case, see *P.O.P.C.*, iv. 149-50 (1433, February 18).

<sup>90</sup> BN, PO 2239, Perrier, 28 (1421, May 16); BL, Add Ch 3552 (1421, May 23); BN, PO 1513, Herbi, 2 (1427, October 1); *Foedera*, x. 457 (1430, April 21); TNA, E 404/47/163 (1430).

<sup>91</sup> ADN, B 1978, fol. 233ro (1441, January 31). Jean de Saint-Ligier was in Paris *pour la poursuite de son filz qui estoit prisonnier* in the late 1420s. AN, X1a 4795, fol. 197v (1428, January). See also *PROME*, xi. 179-80 (1435, September).

<sup>92</sup> AN, X2a 18, fol. 15vo (1423, December 16). On 15 June 1423, Jean Marchand, prisoner of William Meyring, knight, and of William Bourgoigne, received a safe-conduct to go to Orléans to raise his ransom. *R.D.K.* 48, p. 226. The case is also analysed in Little, *The parlement of Poitiers*, p. 171.

<sup>93</sup> About this case, see Little, *Parlement of Poitiers*, p. 172.

<sup>94</sup> AN, X1a 9198, fol. 265vo-266ro (1425, August).

<sup>95</sup> *Ibid.*, fol. 266vo.

Also, it is interesting to note that the court decided in favour of Dunois. Similarly, we cannot take at face value the testimony of the French knight Jean de Roffignac who claimed in the same court that although he was involved in the counterfeit of money, it was only to pay his ransom and that of his son.<sup>96</sup> Finally, in the following case, there is no doubt that if Pierre de la Vieffville abused his authority, it was just in order to rescue his offspring.<sup>97</sup> In February 1416, 120 soldiers from Ardres and other places captured several English merchants and other men who travelled without safe-conducts. They kept them in Ardres with the consent of La Vieffville, who was the lieutenant there. La Vieffville made several propositions to the soldiers for the purchase of these prisoners in the hope of using them for the release of one or two of his children. As the captors rejected his offers, he merely seized the prisoners *soubz umbre dudit office* [of lieutenant], as we read in a letter of Charles VI. La Vieffville was eventually compelled to hand over the captives to their masters. Five years later, the duke of Burgundy granted £420 (2,000 l.p.) to La Vieffville for the expenses incurred in the ransom of his son Moyne who had been captured at Agincourt.<sup>98</sup>

How, in return, did children come to the help of their father should he fall in the hands of the enemy? Children were often very useful in replacing their father in prison. Pledged by his child, the father could go freely and collect the money for his ransom. If the delivery of hostages had become *usance parmy le royaume de France*, it was much more concerned with the prisoner's child than his wife, as Jean Régnier suggested. There is plenty of evidence to suggest this throughout the Hundred Years War.<sup>99</sup> In some instances, we do come across references to children rotting in prison and this might question the fatherly love.<sup>100</sup> However, in general, there is very little reason to question it. In this respect, one sympathises with Pierre de Tournebu and Jean Martel whose sons had died in captivity while they were standing in as

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<sup>96</sup> AN, X2a 24, fol. 27ro (1444, May 11). The case is also quoted in Bossuat, *Perrinet*, p. 238, n. 2.

<sup>97</sup> BL, Add Ch 12509 (1416, April 17).

<sup>98</sup> ADN, B 1923, fol.101 ro-vo (1421, April 30). There are many other examples of financial contribution towards the ransom of the subject's children. See, for instance, BL, Add Ch 17628 (1350, November 18); *C.P.R. 1374-7*, p. 394 (1376 December 20); BN, PO 1281, Garges, 3 (1424, December 22); *Portugal et Bourgogne*, p. 246, no. 152 (1434, April 30).

<sup>99</sup> Contamine, 'The Growth of State Control', p. 169 (1364); Timbal, *La Guerre de Cent Ans*, pp. 346-51 (1365); AN, X1a 4789, fol. 510vo; as cited in C. Bozzolo & H. Loyau, *La Cour amoureuse dite de Charles VI*, 3 vol., Paris, 1982-92, i. 139 (1372); *Actes*, i. 291-4, no. 116 (1426, February) ; BN, PO 1292, Gaucourt, 46 (1442, February 4); Goulay, 'La Résistance', p. 97 (1443); TNA E 404/67/195 (1451, July 4); TNA, C1/46/200 (1433-43 or 1467-72).

<sup>100</sup> See, for example, Bossuat, 'Les prisonniers de Beauvais', p. 32, n. 1; *Actes*, i. 150-3, no. 63 (1424, November).

hostages.<sup>101</sup> As a result, the latter summoned his captors to come to Saint-Lo where the case would be debated before the count of Perche and the general lieutenant in Normandy.

In a more active way, finally, we occasionally see children paying or trying to pay the ransom of their parents. In March 1432, Philip the Good granted £17.5 (76 golden crowns) to Macé de Rochebaron to help him release his father who was still a prisoner of the enemy.<sup>102</sup> In consideration of his father's long imprisonment in the hands of the enemy, the duke relieved Jean Diaucourt from the payment of seigniorial dues over the lands of Mentenay, in 1444.<sup>103</sup> In 1424, Jean and Amé de Saulx, two brothers, set up an annual and perpetual rent of £55 (250 golden crowns) to Henry d'Orlye for his loan of £550 (2,500 golden crowns) which had been converted to the payment of Lady Marie, their mother, whom Eustache de Vernancourt kept prisoner.<sup>104</sup>

### *Siblings*

If sisters are not totally absent from the sources, it must be noted, as a preliminary remark, that most cases concern brothers. This last family tie reveals a wide range of forms of assistance and various degrees of involvement. Jean Torsay, master of the arbalesters, showed a great dedication in trying to release his brother, Guillaume. He was part of the commission which had been entrusted with a mission to distribute a special aid of £2,656 (16,000 l.t.) among some prisoners of Verneuil, of which Guillaume received a substantial £332 (2,000 l.t.).<sup>105</sup> This money did however not release his brother. Jean died in 1427, but he generously granted £660 (3,000 golden crowns) and some estates to his brother in his will, should the project of exchange with the English knight Thomas of Arundel fail.<sup>106</sup> The latter died in captivity, but Jean's daughter, his heiress, did not have the same disposition towards her uncle and refused to give him the money. An 'arrêt' of the Parlement of Paris pronounced on 7 September 1436 condemned her to pay.<sup>107</sup>

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<sup>101</sup> Timbal, *La Guerre de Cent Ans*, pp. 462-7 (1366, September 7).

<sup>102</sup> BN, Coll. Bourgogne, 29, fol. 138 (1432, March 16).

<sup>103</sup> ADN, B 1994, fol. 147vo-148ro (1446, May 20).

<sup>104</sup> Luce, *Jeanne d'Arc*, pp. 146-7 (no. 97).

<sup>105</sup> See above, p. 159.

<sup>106</sup> AN, X1a 9194, fol. 32; 9193, fol. 161; as cited in *A.H.P.*, p. 371 (1432, December 6; 1436, September 7).

<sup>107</sup> We could have also quoted here the relentless efforts of the Bastard of Orléans who tried to release his two half brothers, Charles and Jean of Orléans who were detained in England.

There is plenty of evidence of financial contributions toward brother's ransoms.<sup>108</sup> The sources also show brothers working on the release of their siblings in various ways. We have seen the intervention of these brothers in the multiple cases treated in the previous parts of this work. Olivier le Forestier handed over his prisoner to his brother in the hope that he would be able to regain his freedom through an exchange.<sup>109</sup> In a similar way, the brother of Lespinasse entrusted his own prisoners with the mission of organising their mutual release with his brother who was kept by the captain of Lagny.<sup>110</sup> Guillaume de Gamaches agreed to evacuate the town of Compiègne to save the life of his brother Philippe, abbot of Saint-Faron at Meaux.<sup>111</sup> In other instances, we see brothers involving a third party in the release of their sibling. Jean de Luxembourg obtained the liberation of his brother through the mediation of Henry V during the siege of Meaux in 1422.<sup>112</sup> Pope Gregory XI interceded with Edward III to obtain the deliverance of his young brother Roger de Beaufort in 1371.<sup>113</sup> In 1428, the Burgundian chancellor, Nicolas Rolin, asked Perrinet Gressart to intercede with the French to try to obtain the release of his half brother Jean Mairet.<sup>114</sup> Richard Boys utilised the service of an English esquire, Edmund Dardys, to obtain the release of his brother.<sup>115</sup> Finally, some petitioners asked the king to contribute to the ransom of their brother. In March 1437, for instance, Charles VII granted £26.5 (120 golden crowns) to Jean Redolet who had been ransomed at great cost and who had a brother who served under Pothon de Bourguignan, who was a prisoner of the enemy at Caudebec.<sup>116</sup> His brother's ransom had been fixed at £123 (560 crowns) and Redolet claimed that he could not help his brother who would be forced to remain in prison without the king's assistance. If brothers had not necessarily the means to contribute to the ransom of their siblings, they could also prove to be very useful in acting as hostages for them. This role may have been that of the younger brother who did not have the financial resources of his elder brothers.<sup>117</sup> For example, we can see that the younger brothers of the counts of Saint-Pol and Suffolk stood as hostages for their elder

<sup>108</sup> See for instance Timbal, *La guerre de Cent Ans*, pp. 351-3 (1365). *Catalogue analytique des Archives de M. le Baron de Joursanvault, contenant une précieuse Collection de Manuscrits, Chartes et Documents originaux au Nombre de plus de Quatre-vingt mille concernant l'Histoire générale de France*, 2 vol. Paris, 1838, i. no. 126 (1420, August 13); ii. no. 2567 (1421, September 25); Bossuat, *Perrinet*, p. 86 n. 3 (1423); AN, X1a 4797, fol. 215ro-216ro (1434, December 22).

<sup>109</sup> See above, pp. 117-8.

<sup>110</sup> AN, X1a 4793, fol. 10v, 13ro (1420, January 13).

<sup>111</sup> See above, p. 73.

<sup>112</sup> See above, pp. 73 and 80.

<sup>113</sup> *Foedera*, iii. 923 (1371, September 25).

<sup>114</sup> Bossuat, *Perrinet*, p. 93 (1428, January 30).

<sup>115</sup> See above, p. 134.

<sup>116</sup> BL, Add Ch 426 (1437, March 21); See also the petition of Eliot Irvoy, Chapter 7.

<sup>117</sup> See the petition of John Ormond who highlighted that *your said servaunt is a younger brother and hath one litill lyvelode to relief him*. TNA C 49/32/10 (?1454)

brothers.<sup>118</sup> In most cases, however, such family details are not specified in the sources and would need further enquiry.<sup>119</sup>

Finally, there are occasions where brothers were not so generous towards their siblings. Colard de Mailly acted as pledge for the ransom of his half brother, although he complained in the Parlement of Paris that his half brother's ransom was so big that he was compelled to help him.<sup>120</sup> Jean Blondel de Joigny, who was captured at Agincourt and taken to England, was forced to sell to his brother the lordship of Samile for £44 (200 golden crowns) for the payment of his ransom.<sup>121</sup> This last case reveals the question of interests which might divide two brothers. We have seen the case of the Brestel brothers.<sup>122</sup> The younger Brestel, Godart, entered in possession of the lands which fell by right to his elder brother, Guyot, while the latter was in prison, and subsequently changed allegiance. Competition or jealousy between brothers must have created tensions in certain families. Divided allegiances within the family were certainly not uncommon either. And there is reason to wonder whether an 'English brother' would help his 'French sibling' (or vice versa).

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Our knowledge of the assistance to prisoners of war in the Hundred Years War is not so clear that we are able to draw firm conclusions about it. Many aspects of it remain problematic. We have been able to identify many actors and forms of assistance, but, very often, the sources do not enable us to clarify their degree of involvement. How many petitions were declined by the authorities? To what extent would any commander assist his men and, in return, to what extent would these men be inclined to rescue their captain? Transversal links of solidarity (within the same level of the hierarchy) raise as many questions. We have seen that the very concept of friendship is still in debate. Also, we can only wonder about the survival of brotherhood-in-arms at that period. Notwithstanding these

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<sup>118</sup> TNA, E 404/12 (1381, October 4); *PROME*, xii. 92 (1449, November).

<sup>119</sup> TNA, SC 8/118/5878 (c. 1372-c. 1377); 147/7312 (1407); *Actes*, i. 291-4, no. 116 (1426, February); *Ibid.*, i. 347, no. 135 (1426, May 24); AN, JJ 174, no. 130 (1428, April 9); TNA C 1/26/110.

<sup>120</sup> See above, p. 109.

<sup>121</sup> AN, PO 372, Blondel de Joigny, fol. 95.

<sup>122</sup> See above, pp. 151-5.

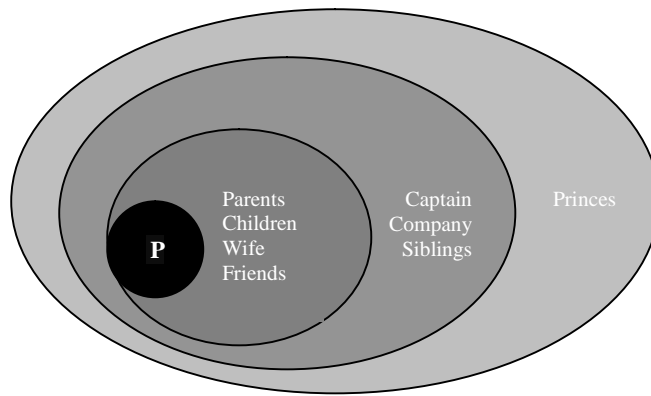
numerous grey areas, it is possible to make some constructive remarks and to sketch the outline of a model of assistance.

If the degree of involvement is often difficult to define, it is however, relatively easy to identify weak links in the entourage of the prisoner. Within the company or retinue, in particular, we have seen that associations based solely on profits were very common. Combatants on the same side would even be ready to fight with each other for the capture of a prisoner. Besides this, some captains were inclined to make profits at the expense of their men. These factors would surely not contribute to the unity of the company and it is particularly hard to imagine in such circumstances that the soldier who had been captured by the enemy would receive any assistance from his captain or fellows. These observations lead to the thought that soldiers were more likely to enjoy closer relationships with only one or a few individuals within the company. Inside the family circle, we can see that, by and large, the prisoner could rely on the loyalty of his wife, parents and children. The relationship between siblings is more uneven. We have seen true demonstrations of brotherly love, but some brothers were in competition.

In conclusion, it seems to me appropriate to represent the model of assistance to prisoners of war by a succession of concentric circles with the prisoner in its centre (*Figure 5*). In the closest circle to the prisoner are the most dedicated people to him: his wife, children, parents and friends. There are surely friends within the company who are in the second circle. However, once the companion became a friend, it is reasonable to count him among the closest supporters of the prisoner. In the second circle, we find the prisoner's company where solidarity and individualism are in conflict. I have put the siblings in the same circle. Finally, the last circle is also the last resort of the prisoner: that is the princes. This model must not however not be considered as anything other than a first rough attempt to theorise the problem of assistance to prisoners. It surely needs additions and refinements.



**Figure 5: Assistance to prisoners of war**



## Conclusion

### *An evolution 'from below'*

Instead of proceeding to a systematic summary of my findings, this conclusion will take the form of a short essay using an underlying theme of this thesis: that is, the conflict between public and private interests. This essay will address the following question: to what extent can we talk about the 'golden of private ransoms' in the late Middle Ages? As I mentioned in the introduction to this thesis, this expression was coined by the French historian, Philippe Contamine. Interestingly however, Contamine sees the phenomenon of war as a 'political fact' – i.e. a fact which exists through the eyes of the state. This perspective is rather in contradiction with the idea of the ransom business as essentially private. In the same article in which he talks about the golden age of private ransoms, the French historian already reflects extensively upon growing state interference in this business in the fourteenth and fifteenth centuries. More recently, looking back to his authoritative thesis *Guerre, Etat et Société*, he stressed even further the pre-eminent role of the state in all matters relating to war, to the extent that one wonders whether he still believes in the existence of a golden age of private ransoms.<sup>1</sup>

In this re-appraisal, Contamine asks himself if he was right to consider warfare exclusively through the eyes of the state or if he should have adopted a more anthropological point of view – i.e. an approach focused on the experience of individuals. To answer this question, he investigates three individual cases 'from below' between 1420 and 1450, when the French state had been plunged into a deep crisis. Even at that difficult time for the French monarchy, Contamine observes that the state was still very much in control of all matters relating to war. In his conclusions, he feels confident enough to reassert that war at that time was a political (from above) rather than an anthropological fact (from below). To understand the phenomenon of war in France in the late Middle Ages, Contamine believes that it is

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<sup>1</sup> P. Contamine, '*Guerre, Etat et société: une révision à la lumière de la crise politique et militaire dans la France du deuxième quart du XVe siècle*', in *Guerra y diplomacia* (op. cit.), 117-39.

necessary to examine it in close connection with the state. In his mind, to view war ‘from below’, even if possible, is not sufficient.

One of the cases discussed by Contamine is of particular interest, as it involves disputes over ransoms and booty at the surrender of Castillon in July 1453. To summarise, Charles VII set up a commission of inquiry to investigate the circumstances of the seizure of Castillon following complaints from several French lords. As I have mentioned earlier, the English garrison of Castillon had reached an agreement for their surrender with the French besiegers. However, most witnesses reported that a sudden ‘cry of alarm’ (because of a horse which escaped, according to a few witnesses) created much confusion and resulted in the storming of the place by different French companies. Hundreds of prisoners were captured. The marshal of France who tried to restore order only managed to hold back a small proportion of these captives. Contamine acknowledged that this episode demonstrates the persistent indiscipline of the troops when gains of war were at stake. On the other hand, he also sees in it a clear sign of crown interference, through the role played by the provost of the marshals in the sharing out of the gains and the immediate intervention of a royal commission of inquiry.<sup>2</sup>

I disagree with Contamine’s interpretation. Rather than any crown involvement, this episode highlights the private nature of the issue of prisoners of war. Firstly, it must be noted that the crown did not take the initiative in interfering in this business, but it merely responded to several complaints. In this respect, there is reason to wonder whether anything would have happened if nobody had protested. Secondly, the role of the crown in this business was not particularly overbearing. The complainants resorted to the sovereign authority only as an arbitrator in the sharing out of the gains. The king agreed to play this role and set up this commission. Finally, although the treaty of surrender anticipated that the prisoners should be at the king’s mercy, it is striking to note that witnesses constantly referred to their own right to a share of the prisoners.<sup>3</sup> The right of the king seemed to be simply disregarded by these men. This implies that those prisoners were automatically redistributed among the soldiers. Considering this issue, Contamine argues that it was habitual for the French kings to make profit out of ransoms.<sup>4</sup> One may however see in this practice a clear

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<sup>2</sup> Concerning the role of the provost, I believe that Contamine refers to the fifth deposition, in which witnesses claimed that they had been sent to the provost of the marshals *pour avoir leur part des prisonniers*. BN, Duchesne, no. 108, fol. 37vo.

<sup>3</sup> Ibid., 37vo, 38ro, 39ro.

<sup>4</sup> Contamine, ‘*Guerre, Etat et société : une révision*’, p. 138.

sign of the prevalence of private over public interests. In the same re-appraisal, Contamine sees another sign of crown interference in the assistance that Charles VII provided to Poton de Xaintrilles following the capture of several men and kinsmen of the French captain at the seizure of Bordeaux in 1452.<sup>5</sup> I have already analysed this case in which Charles VII granted the wages of the soldiers of his ordinance for a quarter of a month to Xaintrille provided that the captains who were responsible for these soldiers agreed. Rather than any crown intrusion in the ransom business, as Contamine suggested, this case highlights the makeshift nature of the channels of assistance, the king's usual shortage of money and his heavy reliance on soldiers to help each other rather than relying on him.

Contamine is probably right to argue that, as a general rule, war was a 'political' rather than an 'anthropological fact' (to use his words). However, I think that the particular matters relating to prisoners of war were an exception to this rule. This is, at least, what my investigations have shown. Before highlighting the significance of private ransoms, there is probably a need to say a few words about the nature and limits of the crown's interference. The only tangible sign of interventionism is the drift of the 'brigand-hunt' policy in Lancastrian Normandy, which almost certainly caused the execution of many a legitimate prisoner of war. In general, however, the authorities largely tried to fix the rules concerning the capture and the share of the spoils for safety and disciplinary purposes. Their success in carrying out this mission was mixed. We have seen for instance how the ban on private safe-conducts was not obeyed by soldiers. Ransoming of prisoners remained the preserve of private individuals throughout the war and no sovereign could afford that this became otherwise. Significantly, we have seen that the prince abided by the same rules as any other combatant when he acquired prisoners, as he too carefully observed the widespread principles of the private law of contracts.

Masters of prisoners enjoyed great freedom of action. In general, the different stages of the process of ransoming were marked out by contractual agreements. If these agreements were deep-rooted in late medieval practices and mentalities, however, it is essential to understand that there was no obligation to use them. By and large, masters could dispose freely of their prisoners and this might even lead to the latter's death. In such circumstances, the assimilation of the contracts (e.g. contracts of ransoms, safe-conducts and letters of

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<sup>5</sup> See, above, pp. 162, 166.

obligation) into custom must be considered as part of the increasing mechanisation of the ransom system in the late Middle Ages. There are other significant signs of this evolution towards a more efficient way of ransoming. For instance, the practice of *les marz* (a proportionate increment to the actual amount of the ransom covering various expenses relating to the ransoming process) indicates that this business was relatively well-oiled and organised. In parallel, we have also observed, on several occasions, the establishment of a scale of ransoms (and financial contributions as well). Such practices facilitated the job of the captor and considerably quickened the whole process. It must be noted here that these measures mainly concerned the lower strata of the military hierarchy, where there was an urgent need to deal rapidly with the captives (in order to avoid financial losses). Beside the systematisation of the process, the lives of the common soldiers was arguably more readily spared in the Hundred Years War.<sup>6</sup>

These distinctive features of the evolution of the process of ransoming came ‘from below’; from the individual masters and prisoners who faced the multiple obstacles raised by the lack of official structure. In other words, it is specifically the non-interventionism of the crown and the large freedom of action of individuals which shaped the ransom system. In this context, it is probably not wrong to say that the ransom system from its origins was less political than anthropological, as Contamine understands these terms. If its origins are still debated, one can easily see it settling and developing in the habits of the combatants through the tournaments of the twelfth and thirteenth centuries. This evolution ‘from below’ continued in the late Middle Ages which was arguably the golden age of private ransoms. Contrary to earlier times, the whole of military society, including commoners, was involved in the practice of ransoming in the Hundred Years War. The system of ransoming was also increasingly systemised, but it remained very much in the hands of individuals. Towards the middle of the sixteenth century, there are however clearer signs of growing crown interference.

It is however important to note that private ransoms still had a long life to come. The systematisation of the process was still developing in the sixteenth-century.<sup>7</sup> Scales of ransoms were based on the wages of the soldiers and higher ranking officers were

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<sup>6</sup> It must however be noted that massacres of lesser soldiers still occurred in the Hundred Years War. Bériac-Lainé & Given-Wilson, ‘Edward III’s prisoners’, pp. 800-10.

<sup>7</sup> Contamine, ‘The Growth of State Control’, pp. 185-8.

progressively included in these scales. In parallel with this evolution ‘from below’, however, a new generalised system of prisoner exchanges controlled by the state was introduced in the middle of the sixteenth century and evolved towards the Spanish *cuartel* general, in seventeenth-century conflicts. These cartels stipulated that ‘every captain should ransom all his captured men within twenty-five days. First, prisoners of equal rank on each side were to be exchanged free of charge; thereafter, a ransom appropriate to the soldier’s rank (usually the equivalent of one month’s pay) was due, plus an agreed per diem “entertainment” for time spent in captivity.’<sup>8</sup> For some scholars, this transition seems to mark the end of private ransoms which had then come under state regulations.<sup>9</sup> Others highlight its persistence throughout the sixteenth and even the seventeenth centuries.<sup>10</sup> Indeed, there is evidence of private ransoms well into the seventeenth century. In 1625, Hugo Grotius still advocated in his legal treatise on ‘The Law of War and Peace’ that prisoners were the property of those who captured them.<sup>11</sup> This message was confirmed by the French king at the beginning of the Thirty Years War.<sup>12</sup> Yet this conflict seems to have been the turning point. Problems raised by private ownership at that time led Louis XIV to affirm his pre-eminent right to dispose of all prisoners at his will. (Captors would still be rewarded in order to maintain their motivation in the ranks of his armies.)

Finally, it is interesting to note that the way to deal with Spanish captives in France around the middle of the seventeenth century still had much in common with the Hundred Years War. Higher ranking prisoners were not exchanged. Their ransom was fixed according to their status and function in the army, but also to their social rank. The negotiations were often led by the prisoner himself who would sometimes be released on parole once the amount of the ransom had been fixed. When the prisoner was not allowed to come back home, his family played a significant part in the payment of his ransom. (Private negotiations for the ransom of prisoners also took place in some instances at the lower level of the military hierarchy.) Captives were detained in royal castles or in private accommodation in town. It was the responsibility of the townsmen to organise these makeshift prisons and this charge often proved to be costly. The fundamental difference with the Hundred Years War lies in the

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<sup>8</sup> G. Parker, ‘Early Modern Europe’, in *The Laws of War*, 54-58, at p. 52.

<sup>9</sup> *Ibid.*, p. 52-3.

<sup>10</sup> G. B. Davis, ‘The Prisoners of war’, *The American Journal of International Law*, 7 (1913), 521-45, at p. 541.

<sup>11</sup> S. Yamauchi, ‘Looting of Men and Legal Theories in Medieval and Early Modern Europe’, *Hitotsubashi Journal of Law and Politics*, 23 (1995), 13-32, at pp. 17-8.

<sup>12</sup> A. Corvisier, ‘Quelques aspects de la captivité militaire au XVIIe siècle : le sort des prisonniers de guerre espagnols en France de 1635 à 1648’, in *Idem, Les hommes, la guerre et la mort*, Paris, 1985, 315-66, at p. 318.

fact that, during the Thirty Years War, all these operations were coordinated by the king. This observation leads to the conclusion that the practice of ransoming was slowly shaped by combatants over the centuries and only subsequently monopolised by the authorities.

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